SCTC No. 31.

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

(FOURTH LOK SABHA)

EIGHTEENTH REPORT

MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF SOCIAL WELFARE

Action taken by Government on the recommendations contained in the Fourth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha) on the Ministry of Home Affairs and Department of Social Welfare-Reservations for Scheduled Castes and Scheduled Tribes in Public Services.

(Presented on the 14th November, 1970)

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COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

Shri D. Basumatari—*Chairman*

MEMBERS

Lok Sabha

2. Shri P. C. Adichan
*3. Shri Bhagaban Das
4. Sardar Buta Singh
5. Shri Benoy Krishna Daschowdhury
6. Shri Tulsiram Dashrath Kamble
7. Shri Baij Nath Kureel
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9. Shri Meetha Lal Meena
10. Shrimati Minimata Agam Dass Guru
11. Shri Dahyabhai Parmar
12. Shri Manubhai N. Patel
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14. Shrimati B. Radhabai Ananda Rao
15. Shri Bhola Raut
16. Chawdhury Sadhu Ram
17. Shri B. Shankaranand
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19. Shri Ramchandra Ulaka
20. Shri R. S. Vidyarthi

Rajya Sabha

21. Shri M. V. Bhadram
22. Shri Ganeshi Lal Chaudhary
23. Shri K. S. Chavda
24. Shri B. T. Kemparaj

*Elected on 22-4-1970 *vice* Shri Jaipal Singh died.

25. Shri Lokanath Misra
26. Shri Neki Ram
†27. Shri E. M. Sangma
@28. Shri K. P. Subramania Menon
@29. Shri Sukhdeo Prasad
30. Shri Man Singh Varma.

SECRETARIAT

1. Shri B. K. Mukherjee—*Deputy Secretary.*
2. Shri J. R. Kapur—*Under Secretary.*

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†Ceased to be member of the Committee on his retirement from Rajya Sabha with effect from 2nd April, 1970 and re-elected on 19th May, 1970.

@Elected on 19th May, 1970 *vice* Shri B. D. Khobaragade who resigned from the Committee with effect from 27th February, 1970 and Shri Dayaldas Kurre who ceased to be Member of the Committee on his retirement from Rajya Sabha with effect from 2nd April, 1970.

STUDY GROUP V ON ACTION TAKEN REPORTS COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

(1970)

1. Shri D. Basumatari—*Chairman*
2. Shri Benoy Krishna Daschowdhury—*Convener*
3. Shri B. T. Kemparaj
4. Sardar Buta Singh
5. Shri Man Singh Varma
6. Shri Tulsiram Dashrath Kamble
7. Chaudhary Sadhu Ram
*8. Shri E. M. Sangma
9. Shri Dahyabhai Parmar

SECRETARIAT

1. Shri B. K. Mukherjee—*Deputy Secretary.*
2. Shri J. R. Kapur—*Under Secretary.*

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*Nominated *vice* Shri Dayaldas Kurre who ceased to be Member of the Committee on his retirement from Rajya Sabha with effect from 2nd April, 1970.

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to submit the Report on their behalf, present this Eighteenth Report on Action Taken by Government on the recommendations of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes contained in their Fourth Report (Fourth Lok Sabha) on the Ministry of Home Affairs and Department of Social Welfare—Reservations for Scheduled Castes and Scheduled Tribes in Public Services.

2. On the 26th February, 1970, an "Action Taken" Study Group was appointed to scrutinise the replies received from Government in pursuance of the recommendations made by the Committee in their earlier Reports. The Study Group was constituted with the following Members:

1. Shri D. Basumatari—*Chairman*
2. Shri Benoy Krishna Daschowdhury—*Convener*
3. Shri B. T. Kemparaj
4. Sardar Buta Singh
5. Shri Man Singh Varma
6. Shri Tulsiram Dashrath Kamble
7. Chaudhary Sadhu Ram

*8. Shri Dayaldas Kurre

9. Shri Dahyabhai Parmar.

3. The Draft Report was considered and adopted by the Study Group at their sitting held on the 7th December, 1970, and finally adopted by the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on 10th December, 1970.

4. The Report has been divided into the following Chapters:—

I. Report.

II. Recommendations|Observations that have been accepted by Government.

III. Recommendations|Observations which the Committee do not desire to pursue in view of the Government's replies.

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*Ceased to be Member of the Committee on his retirement from Rajya Sabha w.e.f. 2nd April, 1970.

IV. Recommendations|Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.

V. Recommendation in respect of which final reply has not been received from Government.

5. An analysis of the action taken by Government on the recommendations contained in the Fourth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha) is given in Appendix VI. It would be observed therefrom that out of 43 recommendations made by the Committee in their Fourth Report, 21 recommendations have been accepted by Government; 7 recommendations the Committee do not desire to pursue in view of the Government's replies; 14 recommendations have not been accepted by Government; and final reply is awaited in respect of only 1 recommendation.

D. BASUMATARI,
Chairman,
Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

NEW DELHI;
December 10, 1970
Agrahayan 19, 1892 (*S*)

CHAPTER I

REPORT

This Report of the Committee deals with action taken by Government on the recommendations contained in their Fourth Report (Fourth Lok Sabha) on the Ministry of Home Affairs and Department of Social Welfare—Reservations for Scheduled Castes and Scheduled Tribes in Public Services.

1.2. In their Fourth Report (Paras 1.11 and 1.12), the Committee had welcomed the constitution of the Committee under the Chairmanship of the Minister of Home Affairs to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the Services under the Government of India, Union Territories and Public Undertakings. The Committee had hoped that this committee would at regular intervals submit its reports on its findings, suggest ways and means to remedy the situation and ensure the speedy implementation of its recommendations. The Committee had also desired that the recommendations made by that committee together with action taken thereon by Government should be laid on the Table of Lok Sabha and Rajya Sabha.

1.3. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated as follows:—

> "The Committee set up under the Chairmanship of the Minister of Home Affairs to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the services under the Government of India Union Territories and Public Undertakings under the control of the Government of India meets at regular intervals. The Committee, however, does not submit any report. The Committee deliberates on the various aspects relating to the policy regarding reservations for Scheduled Castes and Scheduled Tribes in services. The important measures taken by the Government in regard to representation of Scheduled Castes and Scheduled Tribes in pursuance of the recommendations of the Committee are mentioned in the Annual Report of the Ministry of Home Affairs, copies of which are circulated to Members of Parliament. The Committee being in the nature of a

consultative committee, it is not considered necessary that the committee should submit any formal report or that such report with action taken thereon be placed on the Table of the Lok Sabha and Rajya Sabha."

1.4. The Committee feel that the purpose of appointing the High Power Review Commitee would be defeated if its findings and recommendations are not known to the authorities concerned and to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes. It is not understood how such a committee could be in the nature of a Consultative Committee. That was perhaps not the intention of the Yardy Working Group. The annual report of the Home Ministry cannot obviously contain much about even the most important findings and recommendations of this committee. If the Government do not propose to lay the reports of the committee together with action taken thereon on the Table of the two Houses, they should send a summary of discussions and decisions taken in each of the periodical meetings of the committee to the Commissioner of Scheduled Castes and Scheduled Tribes as well as to the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, for their information. An annual review of the action taken by the different Ministries|Departments on the committee's recommendations may also be made available to them.

1.5. The Committee had stressed in para 1.21 of their said Report that it should be the responsibility of the appointing authorities|Liaison Officers to see that the instructions issued by the Ministry of Home Affairs in the matter of reservation of posts are scrupulously observed. In case any instance of non-observance of the orders comes to the notice of the Ministry of Home Affairs, the appointing authorities|Liaison Officers concerned should be held personally responsible for the lapse.

1.6. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

"The duties of the Liaison Officers who have been nominated in each Ministry|Department and in offices under the Heads of Departments include 'ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes and Scheduled Tribes and other benefits admissible to them.' Besides, the Commissioner for Scheduled Castes and Scheduled Tribes who is vested with the powers to investigate all matters relating to the safeguards provided for the Scheduled

Castes and Scheduled Tribes under the Constitution, keeps a vigilant watch on the observance of the reservation orders. As regards the recommendation that the appointing authority|Liaison Officer should be held personally responsible for any lapse of non-observance of the reservation orders, it may be stated that all Government servants would be liable for disciplinary action for any act of commission or omission which results in non-implementation of Government orders and so it is not necessary to issue any separate instructions in this regard."

1.7. The Committee do not accept the argument that all Government servants are liable for disciplinary action for any acts of commission or omission, which results in non-implementation of Government orders and therefore it is not necessary to issue any special directives or instructions in this regard. It is a basic policy of the Administration that responsibility should be fixed on a particular individual if implementation of orders, etc., is not carried out. Hence the Committee reiterate their recommendation.

1.8. In paras 2.15 and 2.16 of the same Report, after considering the poor intake of Scheduled Caste and Scheduled Tribe Officers at the time of the initial constitution of the Indian Forest Service, the Committee had observed that there could not be any appreciable increase in the number of Scheduled Castes and Scheduled Tribes in Public Services unless the orders regarding representation of Scheduled Castes and Scheduled Tribes were made applicable to the Services as a whole (*i.e.* in posts) and not merely to the vacancies, as and when they occurred.

The Committee had suggested that Government should urgently review the present policy in regard to making reservations for Scheduled Castes and Scheduled Tribes at the time of initial constitution of an All India Service.

1.9. In their reply dated the 21st August, 1970, the Ministry of Home Affairs had, *inter alia*, stated:

"When new services are constituted, at the initial constitution, Departmental candidates who may be holding posts which are incorporated in the new services, are screened and considered for absorption in the service. These are not new vacancies which are being filled and, therefore, the question of applying reservation at the stage of initial

constitution, when only departmental candidates are considered, does not arise. If, however, direct recruitment has to be resorted to at the time of initial constitution also due to non-availability of suitable departmental candidates, the usual reservation for Scheduled Castes and Scheduled Tribes would apply in such direct recruitment. If reservation is introduced even at the initial constitution of a service when only departmental candidates are considered, some of the general candidates whose posts are incorporated in the new service will remain unabsorbed and they would have no post on which they could continue. It may be stated that the Supreme Court had observed in the case of Rangachari *versus* Southern Railway that the problem of adequate representation of the backward class of citizens must be fairly and objectively considered and an attempt must always be made to strike a reasonable balance between the claims of other employees as well as the important consideration of efficiency of administration. It is, therefore, not possible to make reservation for Scheduled Castes and Scheduled Tribes at the time of initial constitution of an All India Service."

1.10. The Committee feel that the practical difficulties enumerated by the Ministry are not such as cannot be overcome. Keeping in view the judgement of the Supreme Court in the Debadasan's Case, the Government may re-examine the whole issue.

1.11. In paras 2.36 and 2.37 of the said Report, while noting the orders issued by the Ministry of Home Affairs regarding standards of 'suitability' which were to be observed by the appointing authorities in the case of recruitment of Scheduled Castes and Scheduled Tribes, the Committee had expressed unhappiness that the term 'suitability' was more or less of a subjective character and that it was difficult to ascertain the reasons on account of which a particular candidate was considered unsuitable either by the Union Public Service Commission or by any other recruiting authority. The Committee had impressed upon the Ministry of Home Affairs the desirability of devising adequate checks to ensure the rigid application of relaxed standards by the appointing authority in the case of Scheduled Castes and Scheduled Tribes. The Committee had suggested that the standards specially regarding *viva voce* fixed for Scheduled Castes and Scheduled Tribes should be further relaxed, if they could not be abolished altogether. The Committee had also

suggested that the feasibility of appointing Scheduled Castes and Scheduled Tribes, possessing minimum qualifications, to some categories of posts, without any written or *viva voce* test, might be considered.

1.12. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

"The existing orders give full discretion to the Union Public Service Commission or other recruiting authority to relax standards in favour of Scheduled Castes and Scheduled Tribes candidates while considering their selection against reserved vacancies provided such a relaxation does not militate against the maintenance of efficiency of administration. However, the question of laying down the extent of relaxation of standards as also other matters relating to selection of Scheduled Castes and Scheduled Tribes candidates against reserved vacancies has been further considered by Government and it has been decided as follows:

(1) Scheduled Castes|Scheduled Tribes candidates would be selected for the vacancies reserved for them unless they are found unfit for appointment to the post|posts in question.

(2) In posts filled otherwise than through an examination, if all vacancies on a particular occasion are to be filled up exclusively by Scheduled Castes and|or Scheduled Tribes candidates, advertisements would be issued inviting applications from the candidates of the concerned community only without any provisions for consideration of non-Scheduled Castes|Tribes candidates. When some of the vacancies are reserved and others are unreserved, a single advertisement would be issued but in such cases also, non-Scheduled Castes|Tribes candidates would not be considered against reserved vacancies on this occasion.

If Scheduled Castes|Tribes candidates are not forthcoming, as a result of the advertisements as above, the vacancies would be advertised again providing for consideration of general candidates as well, if suitable candidates belonging to the Scheduled Castes|Scheduled Tribes are not available. In the meanwhile, if the post

is required to be filled up urgently, the appointing authority can appoint a suitable candidate of the community for which the post is reserved, on an *ad hoc* basis.

(3) Where candidates for any particular post|posts are required to be interviewed, the interview of Scheduled Castes|Scheduled Tribes candidates for posts reserved for them would be held on a date or sitting of the Selection Committee other than the one on which general candidates are interviewed so that the interviewing authority may be fully aware of the need of judging the Scheduled Castes and Scheduled Tribes candidates by relaxed standards.

With the issue of these orders, the position regarding selection of Scheduled Castes|Tribes candidates against reserved vacancies is expected to improve considerably. It would, however, neither be feasible nor conducive to the maintenance of efficiency in administration, to appoint Scheduled Castes|Tribes candidates on the basis of mere eligibility for a post without going through the procedure for selection by relaxed standards or on the basis of fitness."

1.13. The Committee feel that justice has not been done to the Scheduled Caste|Tribe candidates at the time of recruitment by the appointing or selecting authorities on account of the 'suitability' clause. They feel that improvement in the position cannot be effected merely by issue of executive orders to the Union Public Service Commission or other recruiting authorities. The Committee suggest that all selections of Scheduled Caste|Tribe candidates to the reserved vacancies should be done on the basis of 'eligibility'. Efficiency can be acquired if such appointees are given in-service training and also special training, if necessary. The Committee would also reiterate their recommendation that there should be rigid application of relaxed standards by the appointing authorities in the case of Scheduled Caste|Tribe candidates.

1.14. In para 2.38 of their said Report, the Committee had felt that in order to give impetus and encouragement to the Scheduled Castes and Scheduled Tribes, such of them, who of their own came on the merit list in a competitive examination, should be taken

against the general seats and not against the reserved quota of vacancies. The Committee had suggested that the Union Public Service Commission|State Public Service Commissions should give this matter urgent consideration.

1.15. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

> "Article 16(4) of the Constitution permits reservation of appointment or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. The percentages of reservation for Scheduled Castes and Scheduled Tribes in the services under the Government of India have already been fixed according to the population of these communities in the country. The principle of reservation is meant to ensure adequate representation of candidates of the backward communities concerned even by applying relaxed standards. The number of Scheduled Castes|Scheduled Tribes available in the merit list would therefore go to reduce the number of the candidates of these communities to be taken by relaxed standards. If, however, the number of Scheduled Castes|Scheduled Tribes candidates included in the select list on the basis of merit exceeds the quotas reserved for them, all of them would be taken in, and it would not be necessary to consider any other candidates of these communities by relaxed standards. In view of the position indicated above, it would not be possible to accept the suggestion of the Committee."

1.16. The Committee are not convinced with the reply given by the Government. In view of the fact that vacancies reserved for Scheduled Castes and Scheduled Tribes have in the past been filled by non-Scheduled Caste|Tribe candidates on account of non-availability of suitable candidates, there does not appear to be any reason why Scheduled Caste|Tribe candidates coming in the merit list should not be adjusted against general seats. The Committee therefore reiterate their recommendation.

1.17. In para 2.48 of the same Report, in view of the poor intake of Scheduled Castes and Scheduled Tribes in the Central Secretariat Stenographers' Service, the Committee had suggested to the

Ministry of Home Affairs to reconsider whether the rules for the recruitment of Stenographers, so far as they were applicable to Scheduled Castes and Scheduled Tribes, could be further relaxed.

1.18. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

"Prior to the reorganisation of the Central Secretariat Stenographers' Service with effect from 1-8-1969 all the posts of Grade II Stenographers of the service were filled on the basis of competitive examinations held by the Union Public Service Commission. The number of vacancies reserved for Scheduled Castes and Scheduled Tribes and the number of candidates belonging to these communities recruited through the Stenographers' Examinations held during 1965—68 is indicated below:

Year of Examination	No. of Vacancies reserved for		No. of SC/ST candidates Nominated	
	SC	ST	SC	ST
1965	95	38	5 (out of 11 qualified)	
1966	83	33	4 (out of 9 qualified)	
1967	48	19	12 (out of 19 qualified)	
1968	29	13	12 (out of 14 qualified)	

The rules for the above Examinations provided for relaxation of standards in the case of Scheduled Castes and Scheduled Tribes candidates. Sufficient number of Scheduled Castes candidates were, however, not available to fill all the vacancies reserved for them, despite relaxation of standard, and Scheduled Tribes were not available at all.

The Central Secretariat Stenographers' Service has been reorganised with effect from 1-8-69 to consist of the following grades:

Grades	Classification
(i) *Selection Grade* . . (Private Secretaries to Secretaries /Special Secretaries / Addl. Secretaries / First P.A.s to Ministers and P.S. to Deputy Ministers)	Central Civil Service Class II Ministerial
(ii) *Grade I*— . . . . . (Senior P.A.s. to Joint Secretaries and Officers of equivalent ranks and A.P.S. to Ministers).	-do-
(iii) *Grade II* . . . . . (P.A.s.)	-do-
(iv) *Grade III* . . (for Stenotypists)	Central Civil Service Class III —Ministerial

The posts in Selection Grade and Grade I of the Service are filled entirely by promotion. As regards Grade II of the service 62½ per cent of the posts in that grade are to be filled by direct recruitment and the remaining 37½ per cent by promotion from Grade III Stenographers. All the posts in Grade III of the Service are to be filled on the basis of competitive examination held by the Secretariat Training School and the examination would be confined only to the members of the C.S.C.S. Necessary reservation is made for Scheduled Castes and Scheduled Tribes in Grade III and in Grade II posts filled by direct recruitment.

The rules also provide for relaxation of standards in the case of Scheduled Castes and Scheduled Tribes. If any reserved vacancies remain unfilled due to non-availability of Scheduled Caste|Tribe candidates, the reservations are carried forward. The period for carry forward of the reservations has now been increased from two to three subsequent recruitment years and the reserved vacancies for Scheduled Castes and Scheduled Tribes have been made interchangeable in the third year of carry forward. Thus there is hardly any scope for further relaxation in the case of Scheduled Castes and Scheduled Tribes in recruitment to the posts of Stenographers.

A pre-examination training centre sponsored by the Department of Social Welfare has recently been opened in Delhi for coaching of Scheduled Caste|Tribe candidates appearing for subordinate examinations to be held for recruitment to the grades of Assistants, Stenographers, U.D.C.s and Lower Division Clerks. The intake of Scheduled Castes and Scheduled Tribes in the Stenographers Service is, therefore, likely to improve in the future."

1.19. The Committee are unhappy to observe from the statement given above that all the Scheduled Caste candidates, who qualified in the Stenographers Examinations held in the years 1965 to 1968, were not appointed as Stenographers. In the circumstances, the Committee cannot accept that relaxed standards are being applied in the recruitment of Scheduled Castes and Scheduled Tribes. The Committee feel that all those Scheuled Castes and Scheduled Tribes who qualify in the written examinations should automatically be absorbed, especially in such posts as Stenographers, when there are large number of reserved vacancies available. The Committee would like the Ministry to further review the position in order to find ways and means for improving the representation of Scheduled Castes and Scheduled Tribes in the Stenographers Service.

1.20. In para 2.50 of the same Report, the Committee had suggested that the Ministry of Home Affairs might hold an examination exclusively for Scheduled Castes and Scheduled Tribes for recruitment as Stenographers so that the intake of Scheduled Castes and Scheduled Tribes in Central Secretariat Stenographers' Service could be augmented.

1.21. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

"According to the Supreme Court's judgement in the case of Devadasan *versus* Union of India, reservation in excess of 50 per cent would not be constitutional. In view of this position, special examination in which only Scheduled Castes|Tribes candidates are allowed to appear would go against the judgement of the Supreme Court and is, therefore, not possible. It may be stated that in direct recruitment through examinations, the standards of suitability are relaxed in the case of Scheduled Castes and Scheduled Tribes candidates. Further, the percentages of reservation for Scheduled Castes and Scheduled Tribes in direct recruitment and in promotion, where applicable, have been enhanced with effect from 25-3-1970 *vide* Resolution No.

27|25|68-Est(SCT) dated 25-3-1970. The Scheduled Castes|Tribes candidates who possess the necessary qualifications for appointment to the posts of Stenographers would, therefore, now have more chances to enter the Stenographers' Services under the various Ministries etc. A pre-examination training Centre sponsored by the Department of Social Welfare has recently been set up in Delhi for coaching of S.C.|S.T. candidates appearing for subordinate examinations to be held for recruitment to the grades of Assistants, Stenographers, Upper Division Clerks and Lower Division Clerks. This is likely to improve the intake of Scheduled Castes|Scheduled Tribes in future."

1.22. The Committee are not in agreement with the views of the Ministry in the matter. In view of the fact that the Ministry of Railways (Railway Board) are having *ad hoc* recruitments for Scheduled Castes and Scheduled Tribes in regard to services under the Zonal Railways, they see no reason why such *ad hoc* recruitments cannot be made in respect of Scheduled Castes and Scheduled Tribes as Stenographers. The judgement of the Supreme Court quoted above should not apply to only one segment of Government employees but to all the segments. The Committee hope that the Government will reconsider the matter.

1.23. In para 2.59 of the Report, the Committee, after considering the views of the Ministry of Home Affairs as also of the Department of Social Welfare that a separate executive authority to nominate Scheduled Caste and Scheduled Tribe candidates against reserved vacancies would not be fesible, had felt that there should be no difficulty in appointing a separate executive authority to nominate Scheduled Caste and Scheduled Tribe candidates in all posts outside the purview of the U.P.S.C. The Committee had also suggested that the Department of Social Welfare should conduct periodical surveys so as to see to what extent the nomination of Scheduled Castes and Scheduled Tribes made by the Ministries|Departments of the Government of India against reserved posts were in accordance with the orders of the Ministry of Home Affairs.

1.24. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

".....Generally, Class III and IV posts are filled otherwise than through the U.P.S.C. and the Head of the Department or Head Office is the appointing authority for such posts. Such authority makes recruitment both against reserved

and unreserved vacancies and while filling reserved vacancies takes into account the orders regarding relaxation of standards in favour of Scheduled Castes and Scheduled Tribes candidates. The present suggestion implies that in posts outside the purview of the U.P.S.C. while nomination against unreserved vacancies would continue to be made by the appointing authority concerned *i.e.* the Head of the Department|Head of Office etc., nomination against reserved vacancies would be made by a separate executive authority appointed for this purpose. The suggestion thus envisages two separate authorities in relation to a particular post or posts, one for nomination against unreserved vaacncies and another for nomination against reserved vacancies. The U.P.S.C. is a Statutory Body created under Article 315 of the Constitution. Another statutory body in the form of a Central executive authority, on the lines of the U.P.S.C. for nominating Scheduled Castes and Scheduled Tribes candidates cannot be visualised. The responsibility for selection of candidates both for reserved and unreserved vacancies in posts outside the purview of the U.P.S.C. is that of the appointing authority and only such appointing authority would be in the best position to judge the suitability of the candidates keeping in view the requirements of each category of post or posts. Further, recruitment to various Class III and IV posts is made on a local or regional basis and the candidates nominated by the local employment exchanges are generally considered. Since there is no centralised recruitment to such Class III and IV posts, it would not be practicable to have a central authority to nominate Scheduled Caste and Scheduled Tribe candidates only against reserved vacancies."

1.25. The intention behind the recommendation is not to have a separate executive authority in each department|office as a parallel body to the existing heads of departments, etc.—as is made out by the Government. The suggestion is clearly for only one Central executive authority to deal with all the reserved vacancies to be intimated to it by all the departments|offices. It was stated by the Government earlier on this point that the office of the Director General of Employment and Training was already functioning more or less for a similar purpose. If that could be the justification there is obviously no reason now to object to the creation of a Central executive authority for better and effective implementation of reservation orders following from Constitutional provisions. The office of

the Director General of Employment and Training cannot effectively serve that purpose. The Committee therefore do not accept the Government's explanation on this vital issue of suitable machinery for implementation of reservation orders.

1.26. In para 2.122 of the Report, the Committee had suggested that in view of the meagre representation of Scheduled Castes and Scheduled Tribes in public services, it was desirable to accord recognition to Unions|Associations of Scheduled Castes and Scheduled Tribes which were of an All India charatcer.

1.27. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

> "Certain welfare associations of Scheduled Castes and Scheduled Tribes have been recognised by this Ministry for the purpose of notifying vacancies reserved for Scheduled Castes and Scheduled Tribes. Associations of Scheduled Castes and Scheduled Tribes Government employees are, however, not being recognised as the policy of Government is not to recognise associations of Government employees which are formed on the basis of caste, tribe or religion. The Scheduled Castes and Scheduled Tribes employees can ventilate their service grievances through the service associations besides making individual representations as provided for under the rules. The Commissioner for Scheduled Castes and Scheduled Tribes is also exercising a vigilant watch to ensure that no injustice is done to Scheduled Castes and Scheduled Tribes employees.
>
> As regards recognition of associations for purpose of notifying reserved vacancies, four Associations of Scheduled Castes (with 16 Branches of one of them) and one Association of Scheduled Tribes with its 47 Branches have already been recognised for this purpose. Publicity of reserved vacancies is at present being made also in a number of Indian languages and English newspapers besides notifying vacancies to the Employment Exchange. In the light of much greater publicity that is now being given to employment opportunities for Scheduled Castes and Scheduled Tribes, it is not considered necessary to recognise any new associations for this purpose."

1.28. The Committee feel that the Scheduled Caste|Tribe employees are not able to ventilate their service grievances through the general unions|associations. Government should give recognition to some all-India organisations of Scheuled Castes and Scheduled Tribes so that the legitimate grievances of Scheduled Caste|Tribe employees are ventilated through these organisations. The Committee hope that Government will reconsider this matter.

1.29. In para 3.15 of their Report, the Committee had suggested that Government might examine whether there should be reservations for Scheduled Castes and Scheduled Tribes in appointments made by promotion on the basis of seniority, subject to fitness.

1.30. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

> "When posts are filled by promotion on the basis of seniority subject to fitness, equality of opportunity is ensured in that every person gets his promotion in his own turn unless he is weeded out as unfit. It cannot be said that Scheduled Castes and Scheduled Tribes employees suffer any disability in this mode of promotion as their comparative merit with others is not judged but like others they too are promoted subject to their fitness. In a number of judgements, the Supreme Court observed that the matters relating to employment in respect of which equality of opportunity has been guaranteed by article 16(1) and (2) of the Constitution do not fall within the scope of the exception in clause (4) of that article. It is, therefore, evident that provisions of article 16(4) of the Constitution cannot, therefore, be extended to cover promotions made on the basis of seniority subject to fitness. In view of this, it is not legally permissible and would also not be equitable to provide reservations in posts filled by promotion on the basis of seniority subject to fitness."

1.31. The Committee would like the Government to re-examine the whole question by making a reference to the Ministry of Law on this matter. The Committee would like to be furnished with relevant judgements of the Supreme Court on this particular point. The opinion of the Ministry of Law may also be furnished to the Committee.

1.32. In para 3.28 of their Report, the Committee had felt that there should be no practical difficulty in providing for reservations for Scheduled Castes and Scheduled Tribes in the ex-cadre and deputation posts. Unless this was done, the Scheduled Castes and Scheduled Tribes would never get their due representation in such posts as the past experience has shown. The Committee, therefore, had recommended that necessary reservations for Scheduled Castes and Scheduled Tribes should also be provided in the ex-cadre and deputation posts.

1.33. In their reply dated the 21st August, 1970, the Ministry of Home Affairs have stated:

> "The principle of reservation for Scheduled Castes and Scheduled Tribes which applies to posts filled by direct recruitment and to certain categories of posts filled by promotion cannot be extended to posts filled by deputation or transfer. Due to very nature of the posts filled by deputation or transfer, selection for such posts has to be from amongst the suitable candidates possessing the requisite experience etc. Further, reservations must have been applied when the original posts|services from which persons are sent on deputation to ex-cadre posts, were initially filled. It is, therefore, not feasible to make reservation in posts filled by deputation or transfer."

1.34. The Committee find no justification for not providing reservation in ex-cadre posts when similar reservation is made by the Ministry of Railways (Railway Board) in regard to services under the Zonal Railways. The Committee feel that there should be uniform policy for all the Ministries|Departments of the Government of India, including their attached and subordinate offices.

CHAPTER II

RECOMMENDATIONS|OBSERVATIONS THAT HAVE BEEN ACCEPTED BY GOVERNMENT

Recommendation (Serial No. 4, Para 1.20)

The Committee note that a Cell has been set up in the Ministry of Home Affairs to collect statistical information regarding representation of Scheduled Castes and Scheduled Tribes in Public Services as well as to look into their complaints or grievances of general nature. The Committee also note that instructions have been issued to other Ministries|Departments to set up similar Cells under them. They would like the Ministry of Home Affairs to ensure that Cells are set up in each Ministry|Department immediately. In this connection, they are unhappy to learn that no such Cell has so far been established even in the Department of Social Welfare which is the principal Department concerned with the welfare of Scheduled Castes and Scheduled Tribes.

Reply of Government

As a result of the instructions issued by this Ministry, Cells have been set up in most of the Ministries|Departments. The matter is being pursued with the remaining Ministries|Departments.

The Department of Social Welfare have also set up a Cell on 12th March, 1970.

[Ministry of Home Affairs O.M. No. 27|4|70-Est. dated 21st August, 1970.]

Comments of the Committee

The Committee hope that Cells would be set up in all those Ministries|Departments immediately where they have not been set up so far.

Recommendation (Sl. No. 5, Para 1.31)

The Committee also suggest that the Ministry of Home Affairs should lay down the charter of duties of such Cells so that they would function on proper and systematic lines from the very beginning. A note about the activities of the Cell should be included in the Annual Report of the concerned Ministries|Departments.

Reply of Government

It has already been laid down in the instructions issued by this Ministry that the Cell is to be formed to ensure due compliance of the orders of reservation issued from time to time in favour of Scheduled Castes and Scheduled Tribes, ensuring prompt disposal of the

grievances of the employees of these classes and to scrutinize and consolidate the statistical data in respect of all offices under the control of the Ministry|Department in regard to reservations. The Cell is mainly to assist the Liaison Officer in the Ministry|Department in the discharge of his duties effectively. The duties of Liaison Officers have been shown in detail in the instructions given in the Brochure on reservations for Scheduled Castes and Scheduled Tribes and have again been circulated with the instructions regarding setting up of Cells referred to above.

Instructions would be issued to Ministries etc. requesting them to incorporate in the annual report a note about the activities of the Cell set up to ensure due compliance of the orders of reservation in favour of Scheduled Castes and Scheduled Tribes.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21st August, 1970.]

Recommendation (Sl. No. 6, Para 1.39)

The Committee regret to observe that it has taken more than seven years to arrive at a decision whether the Commissioner for Scheduled Castes and Scheduled Tribes could call for the records from the Ministries|Departments to investigate the complaints of the Scheduled Caste and Scheduled Tribe employees about proper implementation of the various orders issued by Government regarding representation of Scheduled Castes and Scheduled Tribes in Public Services. They also regret that the Department of Social Welfare has paid no attention towards this imporant issue even though the Commissioner for Scheduled Castes and Scheduled Tribes has issued several reminders to them in the matter. The Committee suggest that Government should issue a directive to the various Ministries|Departments that they should invariably make available to the Commissioner for Scheduled Castes and Scheduled Tribes the necessary records for investigation of the complaints of the Scheduled Caste and Scheduled Tribe employees about the non-implementation of the orders of the Government of India.

Reply of Government (Ministry of Home Affairs)

The Department of Social Welfare is actively considering the question of defining the powers of the Commissioner for Scheduled Castes and Scheduled Tribes in regard to summoning of records

while investigating into the complaints of the non-implementation of the safeguards provided to the Scheduled Castes and Scheduled Tribes.

So far as the Ministry of Home Affairs is concerned, there has been no delay in replying to the Commissioner for Scheduled Castes and Scheduled Tribes. The Commissioner for Scheduled Castes and Scheduled Tribes had referred to this Ministry in April 1962 the question of calling for records. A reply was sent to the Commissioner for Scheduled Castes and Scheduled Tribes in August 1962 after careful consideration of the various aspects. Regarding calling for records, the Commissioner for Scheduled Castes and Scheduled Tribes was informed in that reply as follows:—

> "Orders regarding reservation of posts have been issued by the Central Government and the State Governments keeping in view the principles enunciated in Article 335. The Commissioner may review the manner in which those orders are being given effect to, and seek from the Departments|State Governments concerned, information which he considers necessary for the purpose. He may also invite the Government to make close investigation when on the facts reported to him it appears that there had been failure to give effect to the relevant orders in a particular case or cases and he may ask to be apprised of the result of the investigation. But it should not be necessary and may not even be appropriate for him to call for official files. Any such procedure is likely to be taken by the authorities concerned as indicating distrust and the Commissioner would certainly not like to give cause to any such feeling....."

When this question was raised during evidence before the Committee, the representative of the Department of Social Welfare stated as follows:—

> "As far as the Department of Social Welfare is concerned, there is no difficulty. But what has been troubling the Commissioner is the general question whether he can make an investigation, and if he goes for the investigation, whether the records are made available. Actually, we did examine in consultation with the Ministry of Law and there is no difficulty about it excepting in rare cases when there is some police enquiry or when there is a High Court case. These are very rare cases where the Government finds it difficult. But in general, there should be no diffi-

culty and there has been no difficulty in making records available to them, and we are clarifying this through instructions."

He further stated:—

"There is no imputation that anybody has refused him any record that the Commissioner for Scheduled Castes and Scheduled Tribes has asked for. It is necessary for him to exercise his functions. So far there is no complaint that he has asked for any record which has been refused to him. Naturally, all the Departments respect his authority and his constitutional functions."

[Ministry of Home Affairs O.M. No. 27|4|70-Est(CST) dated 21st August, 1970.]

Reply of Government
(Department of Social Welfare)

The recommendation is accepted. Instructions are being issued in consultation with the Ministry of Home Affairs.

[Department of Social Welfare O.M. No. 7|4|70-RU, dated 16th September, 1970.]

Recommendation (Sl. No. 7, Para 2.5)

The Committee note that the reservations for Scheduled Castes and Scheduled Tribes in Public Services, as mentioned in para 2.1 of the Report were prescribed in 1950 pending the determination of the figures of population at the Census of 1951. The Census showed the population of Scheduled Castes and Scheduled Tribes as 15.32 per cent and 6.32 per cent respectively of the total population. The Committee feel that the Government should have reviewed the figures of reservation in 1951, as contemplated. They are unhappy to note that Government did not review these figures even after 1961 Census. The Committee need hardly stress that population should be considered as the main criterion for fixing the percentage of reservations in public services. They are in full agreement with the suggestion of the Commissioner for Scheduled Castes and Scheduled Tribes made in his Seventeenth Report (1967-68) that the Scheduled Castes and Scheduled Tribes should be given representation in public services accordingly, at least to their present percentage in total population of India.

Reply of Government

Orders have since been issued enhancing the percentages of reservation for Scheduled Castes and Scheduled Tribes in the services under the Government of India taking into account the population of these communities as shown in the 1961 Census. A copy of the Resolution dated 25th March, 1970 in this regard is attached (Appendix II).

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Recommendation (Sl. No. 10, Para 2.24)

The Committee have taken note of the various orders issued by the Ministry of Home Affairs regarding the maintenance of rosters for giving effect to reservations provided for Scheduled Castes and Scheduled Tribes in Public Services. The Committee have received complaints that rosters are not being maintained properly. They suggest that the Ministry of Home Affairs should evolve a procedure for the periodical inspection of the rosters. Defects, if any, noticed in the maintenance of the rosters should be brought to the notice of the concerned Ministries|Departments for rectification and implementation of the relevant orders.

Reply of Government

Each appointing authority is required to strictly observe the orders regarding reservations for Scheduled Castes and Scheduled Tribes including those regarding maintenance of rosters. The Liaison Officers nominated in the Ministries|Departments and in offices under the Heads of the Departments have also to ensure strict compliance by the subordinate appointing authorities with the orders and instructions regarding reservations in offices under their charge. Instructions are being issued that the Liaison Officers should conduct annual inspection of the rosters maintained in the Departments|Offices so as to ensure proper maintenance of the rosters and making of reservations in accordance therewith.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Comments of the Committee

A copy of the instructions issued to the Liaison Officers may be made available to the Committee.

Recommendation (Serial No. 18, Para No. 2.51)

The Committee welcome the proposal of the Department of Social Welfare to open a pre-examination training centre at Delhi to provide coaching facilties to Scheduled Caste and Scheduled Tribe candidates for Subordinate Service examinations. They hope that there would be an appreciable increase in the intake of Scheduled Caste and Scheduled Tribe candidates as a result of the coaching facilities.

Reply of Government (Ministry of Home Affairs)

The recommendation concerns the Department of Social Welfare (That Department have also been addressed by the Lok Sabha Secretariat).

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Reply of Government (Department of Social Welfare)

The recommendation has been noted.

[Department of Social Welfare O.M. No. 7|4|70-RU, dated 16th Sept., 1970.]

Recommendation (Serial No. 19, Para No. 2.54)

The Committe feel that the intention and spirit behind the recommendation of the Scheduled Areas and Scheduled Tribes Commission (1960-62) have not been correctly appreciated by the Government. When the said Commission recommended that a post reserved for Scheduled Tribe should not be given to a Scheduled Caste, its intention was that efforts should be made to find a suitable Scheduled Tribe candidate to fill that post and not that the post itself should be dereserved and filled by a non-Scheduled Caste| Tribe candidate. The Committee, therefore, recommend that the orders of the 24th September, 1962 which preclude the appointment of Scheduled Castes in the reserved vacancies left unfilled by Scheduled Tribes and *vice-versa* shauld be rescinded forthwith. The recruiting authorities should also make all possible efforts to find Scheduled Caste and Scheduled Tribe candidates for the posts reserved for them.

PARLIAMENT LIBRARY

Reply of Government

The Scheduled Areas and Scheduled Tribes Commission (1960-62) had recommended as follows:—

> "The existing orders of the Union Government which permit the appointment of Scheduled Caste candidates in the vacancies reserved for Scheduled Tribes, where suitable qualified candidates are not available, should be rescinded. The presence of such a permissible order brings about complacency. The recruiting authorities should make all possible efforts to find the Scheduled Tribe candidates."

From the above recommendation it would be seen that the S.A. & S.T. Commission considered that the provision for exchange of vacancies between Scheduled Castes and Scheduled Tribes affected adversely the interests of Scheduled Tribes and therefore recommended that the orders providing for such exchange of vacancies should be rescinded. The matter has therefore been examined further by Government and keeping in view the interests of both Scheduled Tribes and Scheduled Castes and in order to accelerate the induction of candidates belonging to both these communities in vacancies reserved for them, it has been decided by Government that the period for carrying forward of unfilled reserved vacancies should be increased from two to three subsequent recruitment years. It has also been decided that if in the last year of the period for which the vacancies are carried forward, candidates belonging to Scheduled Castes are not available for vacancies reserved for them, candidates belonging to Scheduled Tribes should be considered for appointment against such vacancies and likewise in the case of vacancies reserved for Scheduled Tribes. Orders have been issued in this regard in O.M. No. 27|25|68-Est(SCT) dated the 25th March, 1970 (Appendix V).

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Recommendation (Serial No. 21, Para No. 2.64)

The Committee note that orders issued by the Ministry of Home Affairs in September, 1968 relating to the selection of the best among the Scheduled Castes and Scheduled Tribes while making recruitment to non-technical and quasi-technical Class III and Class IV posts and giving them in-service training to make them proficient in their work. They have no doubt that these orders will be extended at

an early date to the posts filled through the Union Public Service Commission as also to Class II posts as recommended by the Commissioner for Scheduled Castes and Scheduled Tribes in his Seventeenth Report.

Reply of Government

The orders in this Ministry's O.M. No. 24|7|67-(I)EST(SCT) dated 24.9.1968 referred to in the recommendations have been issued after considering the recommendations of the Working Group under the Chairmanship of Shri M. R. Yardi, Additional Secretary, Ministry of Home Affairs. The Working Group had recommended that "as an experimental measure, it would be desirable to select the best among the candidates being considered for selection, give them in-service training and confirm them only after they have acquired the requisite proficiency". In para 3.17(iv) of its Report, the Yardi Working Group had suggested that in the initial stages, this concession could be confined to non-technical and quasi-technical posts in Class III and Class IV and later extended to Class II non-technical and quasi-technical posts. It may be mentioned that Class II posts require a higher degree of merit and competence and they cannot be filled by candidates who have not even reached the minimum standard necessary for maintenance of efficiency of administration. Article 335 of the Constitution also provides that the claims of the members of Scheduled Castes and Scheduled Tribes for appointment to services and posts under the Centre or in the States should be considered consistent with the maintenance of efficiency of administration. It may be mentioned that with a view to accelerating the induction of Scheduled Castes and Scheduled Tribes in vacancies reserved for them, orders have been issued that in the case of direct recruitment whether by examination or other-wise, if sufficient number of Scheduled Caste|Tribe candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities should be selected to fill up the remaining vacanices reserved for them provided they are not found unfit for such post or posts, *vide* O.M. No. 1|1|70-Est(SCT) dated 25th July, 1970 (copy at Annexure to the replies to recommendations Nos. 11 and 12). The question whether the orders in the Office Memorandum dated 24th September, 1968 referred to in the recommendation, could be extended to Class II posts would be considered later after watching the impact of the present orders.

[Ministry of Home Affairs Office Memorandum No. 27|4|70-Est (SCT) dated 21-8-1970.]

Comments of the Committee

The Committee may be informed in due course of the decision taken in regard to the extension of the orders to Class II posts.

Recommendation (Serial No. 22, Para No. 2.70)

The Committee take note of the scheme formulated by the Department of Social Welfare for building confidence among the Scheduled Castes and Scheduled Tribes so that they can go through the process of interviews etc. successfully and get appointed to various posts|services under Government. The Committee hope that the scheme, which for the time being is proposed to be taken up on a pilot basis would be gradually extended to other areas, if the results prove to be encouraging.

Reply of Government (Ministry of Home Affairs)

The recommendation concerns the Department of Social Welfare who have also been addressed by the Lok Sabha Secretariat for replies to the recommendations concerning that Department.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Reply of Government (Department of Social Welfare)

The recommendation has been noted.

[Department of Social Welfare O.M. No. 7|4|70-RU, dated 16th Sept, 1970].

Recommendation (Serial No. 24, Para No. 2.78)

The Committee would also stress the desirability of opening Pre-Examinations Training Centres in States for imparting training in respect of Subordinate Services Examinations held by the Union and State Public Service Commissions as well as State Civil Service Examinations.

Reply of Government (Ministry of Home Affairs)

The recommendation concerns the Department of Social Welfare who have also been addressed by the Lok Sabha Secretariat for replies to the recommendations concerning that Department.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 31-8-1970.]

Reply of Government (Department of Social Welfare)

The Department of Social Welfare have since sanctioned the setting up of such Centres in all the States except the States of Assam, Jammu & Kashmir, and Nagaland. A similar Centre has also been set up in the Union Territory of Delhi. These Centres in most of the States have started functioning.

[Ministry of Home Affairs O.M. No. 7|4|70-RU, dated 16th Sept. 1970.]

Recommendation (Serial No. 26, Para No. 2.90)

The Committee consider it desirable that a brochure giving comprehensive information about the posts under the Central Government, etc. and training facilities, as suggested by the Seminar on Employment of Scheduled Castes and Scheduled Tribes should be published for the information of Scheduled Castes and Scheduled Tribes. The Department of Social Welfare or Director General, Employment and Training should undertake this work and publish it in English, Hindi and all regional languages.

Reply of Government (Ministry of Home Affairs)

The recommendations concern the Department of Social Welfare| Directorate General, Employment & Training. The Department of Social Welfare who have also been addressed by the Lok Sabha Secretariat for replies to the recommendations concerning them will no doubt send a reply.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Reply of Government (Department of Social Welfare)

The recommendation is accepted. Steps are being taken to bring out the brochure giving comprehensive inforamtion about the posts under the Central Government and training facilities. The Director General of Employment and Training have already prepared the manuscript and it is being considered in this Department.

[Department of Social Welfare O.M. No. 7|4|70-RU, dated 16th Sept,. 1970.]

Recommendation (Serial Nos. 27 & 28, Paras Nos. 2.91 & 2.92)

As regards the form of advertisement, the Committee do not agree with the alternative suggested by the representative of the Ministry of Home Affairs during evidence, as reproduced in para 2.89 above. They are of the opinion that the words "If no suitable Scheduled Caste and Scheduled Tribe candidates are available, the reserved posts would be treated as general" should not be included in the advertisement for posts reserved for Scheduled Castes and Scheduled Tribes. If as a result of an advertisement for the posts reserved for Scheduled Caste and Scheduled Tribe candidates are not available, the posts should be advertised again.

The Committee further suggest that the specific number of posts reserved for Scheduled Castes and Scheduled Tribes should invariably be mentioned in all advertisements.

Reply of Government

The recommendations of the Committee have been considered and orders have been issued providing *inter-alia* that in direct recruitment through examination and otherwise than through examination, the number of vacancies reserved for Scheduled Castes and Scheduled Tribes should be clearly specified in the advertisement. Further, it has been provided that in direct recruitment otherwise than through examination, when reserved vacancies are advertised on the first occasion, only Scheduled Castes|Scheduled Tribes candidates would be considered for vacancies reserved for them. If any vacancies remain unfilled for want of suitable Scheduled Castes| Scheduled Tribes candidates, general candidates would not be appointed on this occasion but the reserved vacancies would be readvertised that general candidates would be considered if suitable Scheduled Castes|Scheduled Tribes candidates are not available. A copy of the orders issued in O.M. No. 1|1|70-Est(SCT) dated 31st July, 1970 is attached as APPENDIX to the replies to recommendations No. 11 and 12.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Recommendation (Serial No. 32, Para No. 2.118)

The Committee also feel that while sending their demands to U.P.S.C. etc., the concerned Ministries|Departments should furnish to them a certificate certifying that the number of vacancies reserved

for Scheduled Castes and Scheduled Tribes as mentioned in their requisition, is in accordance with the quota due for these communities.

Reply of Government

The Union Public Service Commission and the D.G.E. & T. have been requested to consider incorporating a certificate on the lines given in this recommendation in the form of requisition which has to be sent by the Ministries/Departments to these bodies for the making of recruitment/selections.

[Ministry of Home Affairs O. M. No. 27/4/70—Est (SCT) dated 21-8-70].

Recommendation (Serial No. 33, Para No. 2.119)

The Committee also would like the Ministry of Home Affairs to consolidate the orders issued so far regarding reservations for Scheduled Castes and Scheduled Tribes and publish the same in the form of a simple and self-contained brochure.

Reply of Government

A brochure containing the orders regarding reservations for Scheduled Castes and Scheduled Tribes issued by this Ministry from time to time has already been published and circulated to the Ministries etc. with O. M. No. 1/1/69—Est(SCT) dated 22-12-1969. Copies of the Broshure have also been supplied to the Lok Sabha Secretariat for use of the Parliamentary Committee.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Recommendation (Serial No. 34, Para No. 2.120)

The Committee also feel that the Department of Social Welfare, which is the Department primarily meant for the Welfare of Scheduled Castes and Scheduled Tribes has an important role to play in this respect. That Department should work in close collaboration with the Ministry of Home Affairs and the Director General of Employment and Training so that the shortfalls in recruitments can be rapidly made up.

Reply of Government (Ministry of Home Affairs)

The Ministry of Home Affairs consults wherever necessary and works in close collaboration with the Department of Social Welfare and the Directorate General of Employment and Training in the

matter of recruitment of Scheduled Castes and Scheduled Tribes against vacancies reserved for them.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Reply of Government (Department of Social Welfare)

The recommendation has been noted. In fact this Department is already working in collaboration with the Ministry of Home Affairs and the Director General of Employment and Training regarding matters concerning reservation and recruitment of Scheduled Castes and Scheduled Tribes. Minister of Law and Social Welfare, Minister of State for Law and Social Welfare and the Director-General, Backward Classes Welfare, are the members of the High Powered Committee set up by the Ministry of Home Affairs to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the services|posts in or under the Govt. of India Union Territories and Public Sector Undertakings under the control of the Govt. of India.

[Department of Social Welfare O.M. No. 7|4|70-RU, dated 16th Sept,. 1970.]

Recommendation (Serial No. 36, Para No. 3.2)

The Committee feel that with a view to make these Departmental Committees (promotion, selection etc.) more representative, a Scheduled Caste/Tribe officer should also be included in each of these Committees set up by various Ministries /Departments/Offices.

Reply of Government

The Departmental Committees are generally manned by the departmental officers concerned. Keeping in view the nature of the post for which recruitment/promotion is to be made, Selection Boards/Departmental Promotion Committees are normally constituted with the departmental officers of suitable status and background. Ministries etc. would be requested to keep the recommendation of the Committee in this regard in view as far as possible.

[Ministry of Home Affairs O.M. No. 27|4|70—Est(SCT) dated 21-8-70].

Recommendation (Serial No. 37, Para No. 3.8)

The Committee note the orders issued by the Ministry of Home Affairs regarding reservations to be made for Scheduled Caste and Scheduled Tribe employees in promotions to be made by selection

as also for filling up vacancies by Scheduled Caste and Scheduled Tribe employees. The Committee feel that the observations made by the Commissioner for Scheduled Castes and Scheduled Tribes in his Thirteenth Report (1963-64) (Paras 20.4, 20.5 and 20.6) merit close and careful consideration. They are of the opinion that the orders relating to the posts filled by promotion should be made applicable to all categories of posts and services.

Reply of Government

A summary of paras 20.4, 20.5 and 20.6 of the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1963-64 and comments of this Ministry thereon are given below.

Para 20.4 (*i*)

"Until recently, the reservation orders *vide* O.M. dated 4-1-1957 applied to all posts (including Class I and Class II posts) filled by open competition or by promotion through competitive examinations limited to departmental candidates. The Government of India have now decided *vide* order dated 8-11-63 that the reservation orders will not apply to:

(a) Class II or higher posts filled by competitive examinations limited to departmental candidates;

(b) Class III and Class IV posts filled by competitive examinations limited to departmental candidates if such posts are also filled by direct recruitment.

The sudden withdrawal of the orders of 1957 came as a great surprise and has naturally evoked considerable resentment. The reason regarding efficiency of administration referred to by the Ministry of Home Affairs could be treated as valid only if Government is able to establish that the existence of the orders of 1957 have led to inefficiency in Government services.

Comments

The orders dated 8-11-1963 referred to in the above recommendation have already been revised. Revised orders have been issued in O.M. No. 1|12|67-Est(C) dated 11-7-1968. These orders provide *inter-alia* that there would be reservation for Scheduled Castes and Scheduled Tribes in Class II, III and IV posts filled by promotion through competitive examination limited to departmental candidates in grades or services in which the element of direct recruitment, if any, does not exceed 50 percent. These orders thus restore the reservation for Scheduled Castes and Scheduledd Tribes in Class II posts

filled by promotion through limited departmental competitive examinations which was available under the orders of 4-1-1957. There are no posts in Class I which are filled by promotion through competitive examinations limited to departmental candidates and therefore there is no need to extend the orders of 11-7-1968 in this regard to posts in Class I.

Para 20.4 (*ii*)

Formerly, if a post was reserved for Scheduled Castes and a candidate from that category was not available, it had to be filled by a Scheduled Tribe candidate and *vice-versa*. It is not clear why Govt. have now decided not to insist on the exploration of the possibility of appointing a candidate of either of these communities before a reserved vacancy is allowed to be dereserved.

Comments

This question has already been considered by Government and orders have been issued in O.M. No. 27/25/68—Est(SCT) dated 25-3-70 (copy at Appendix to the reply to recommendation No. 19) providing for interchange of vacancies for Scheduled Castes and Scheduled Tribes in the third year of carryforward of the vacancies. In this connection, comments on recommendation No. 19 (Para 2.54) may please be referred to.

Para 20.4 (*iii*)

Formerly, two separate rosters were being maintained for permanent and temporary vacancies. But now, this concession too has been done away with. The withdrawal of the aforesaid concession would mean that a percentage of permanent posts which would have gone, under the earlier orders, to the Scheduled Castes and Scheduled Tribes will now be filled by persons from other communities on the basis of seniority.

Comments

The position in this regard has already been explained to the Committee *vide* paras 2.17 to 2.22 of the Report.

Para 20.4 (*iv*)

The orders issued by the Government (O.M. dated 4-12-1963) lay down that if sufficient number of suitable candidates eligible for reserved vacancies is not available from the appropriate Classes, on

any occasion of recruitment, such vacancies may be treated and filled as unreserved vacancies but shall be carried forward for subsequent occasions of recruitment, subject to the total number of reserved vacancies not exceeding 45 per cent of the total number of vacancies at any time. The Supreme Court only objected to there being more than 50 per cent reserved vacancies during any particular 'recruitment year' and not 'on a particular occasion'. The reservations should be related to 'recruitment year' and not to 'each occasion of recruitment'.

Comments

The recommendation of the Commissioner for Scheduled Castes and Scheduled Tribes has already been considered and revised orders issued in O.M. No. 1/4/64—SCT(I) dated 2-9-1964 laying down that for purpose of carry forward rule, the reservations should be related to each year of recruitment.

Para 20.5

The Government of India have now decided (vide orders of 8th November, 1963) to introduce reservations in Class III and Class IV posts filled by promotion. The scope of these orders has, however, been limited to such Class III and Class IV posts, as are filled either by (i) selection or (ii) on the results of competitive examinations limited to departmental candidates. Since the concession referred to in (ii) already existed, the latest orders dated (8th November, 1963) apply only to Class III and IV posts which are filled purely by selection. It is common knowledge that most of the Class III and Class IV posts are filled either by direct recruitment, or by promotion on the basis of seniority-cum-fitness. This being so, the concession now announced is not likely to be very helpful in increasing the intake of the Scheduled Castes and Scheduled Tribes in Government services. In any case it is gratifying to note that the Government have now conceded the right of these backward communities to representation even in posts which are filled by promotion.

Comments

The suggestion implies that reservation should be provided also in Class III and IV posts filled by promotion on the basis of seniority-*cum*-fitness. In this regard, comments on the recommendation No. 40 (para 3.15) of the Committee's Report may please be referred to.

Para 20.6

It is however not clear why it has not been found possible to apply these latest orders (orders dated 8th November, 1963) to all posts and services which are filled by promotion. Admittedly, in Class II and Class I posts, the representation of Scheduled Castes and Scheduled Tribes continues to be inadequate. This being so, the question arises, whether it is not at all incumbent on the Government to take into consideration the claims of the Scheduled Castes and Scheduled Tribes to such posts irrespective of the method of recruitment, in view of the mandatory provisions of Article 335 of the Constitution. In any case, it is suggested that an authoritative opinion of the Law Officers of the Government of India may be obtained not only in regard to the exact interpretation of Article 335 but also of Article 320(4) of the Constitution which has a bearing on the question of recruitment of the Scheduled Castes and the Scheduled Tribes in Government services.

Comments

The above observations have been made on the basis of the order issued in O.M. No. 1/10/61-Estt(D), dated 8th November 1963 regarding reservations in certain categories of posts filled by promotion. These orders have been revised and revised orders issued in O.M. No. 1/12/67-Estt(C), dated 11th July, 1968. These orders, provide *interalia* for reservation for Scheduled Castes and Scheduled Tribes in Class III posts filled by promotion through competitive examinations limited to departmental candidates in grades or services in which the element of direct recruitment, if any, does not exceed 50 per cent (There are no posts in Class I which are filled by through limited departmental competitive examinations). As regards Class I and II posts filled by promotion by selection, the orders of 11th July, 1968 provide for concession of one grading higher than the grading otherwise assignable on the basis of the record of service, to Scheduled Castes and Scheduled Tribes in promotions by selection from Class III to Class II, within Class II and from Class II to the lowest rung or category in Class I. Further, in the orders issued in O.M. No. 1/9/69-Est(SCT), dated 26th March, 1970, it has been provided that in promotions by selection to posts within Class I, which carry an ultimate salary of Rs. 2,000 p.m. or less, the Scheduled Castes/Scheduled Tribes officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list is to be drawn up, should be included in that list provided they are not unfit for promotion.

Thus, reservations and concessions have since been provided for Scheduled Castes and Scheduled Tribes in various categories of Posts, including Class I and II posts, filled by promotion in the orders issued on 11th July, 1968 and 26th March, 1970.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Recommendation (Serial No. 39, Para No. 3.14)

The Committee are unhappy to find that there have been a large number of cases of supersession of Scheduled Castes and Scheduled Tribe employees during the last two years. They are all the more unhappy to learn that in some cases the details about supersessions were not reported to the concerned Minister/Deputy Minister, as required under the existing instructions issued by the Ministry of Home Affairs. The Committee would like the Ministry of Home Affairs to ensure that such lapses on the part of the Ministries/ Departments, where supersessions take place, do not recur. They would further suggest that all supersessions made in each Ministry/ Departments, where supersessions take place, do not recur. They simultaneously reported to the Commissioner for Scheduled Castes and Scheduled Tribes as well as to the Ministry of Home Affairs.

Reply of Government

As would be seen from the footnote at p. 69 and Appendix X of the Committee's Report, instructions have already been issued by this Ministry to the Ministries etc. with reference to the recommendation of the Commissioner for Scheduled Castes and Scheduled Tribes relating to supersession of Scheduled Castes and Scheduled Tribes employees vide O.M. No. 16/8/69-Est(SCT), dated 31st October, 1969 (copy at Appendix X of the Committee's Report). In view of the recommendation of the Committee, the Ministries/Departments are being asked to furnish an annual statement showing the details of the cases of supersession of Scheduled Castes/Tribes employees in promotions, to the Commissioner for Scheduled Castes and Scheduled Tribes and this Ministry.

[Ministry of Home Affairs O. M. No. 27/4/70—Est (SCT) dated 21-8-70].

Recommendation (Serial No. 41, Para No. 3.9)

The Committee are unhappy to note the poor intake of Scheduled Castes and Scheduled Tribes in public services in almost all the Union

Territories/Administrations. They suggest that Government should take positive steps to increase the intake of Scheduled Caste candidates against vacancies reserved for Scheduled Tribes in those Union Territories/Administrations where adequate number of Scheduled Tribe candidates is not available.

Reply of Government

The percentage of reservations for Scheduled Castes and Scheduled Tribes in Class III and IV posts which normally attract candidates from a locality or region have already been fixed on the basis of the proportion of population of these communities in the total population of the respective State or Union Territory. However, orders have been issued in this Ministry's O.M. No. 27/25/68-Est(SCT) dated 25th March, 1970, (copy at Appendix to the reply to the recommendation No. 19) according to which vacancies reserved for Scheduled Tribes for which Scheduled Tribe candidates are not available even in the third year to which these vacancies are carried forward, can be filled by Scheduled Castes and *vice versa*. These orders apply to Union Territories also. Thus, vacancies reserved for Scheduled Tribes would be utilised for Scheduled Castes and *vice versa* in future in the Union Territories in accordance with these orders.

The recommendation of the Commissioner for Scheduled Castes and Scheduled Tribes in his Report for the year 1967-68 regarding inadequate representation of Scheduled Castes and Scheduled Tribes in the services under the Union Territories has also been brought to the notice of the Union Territory/Administration with a request that they may take necessary measure to improve the intake of persons of these communities in the service under them. (*Vide* O.M. No. 16|8|69—Est(SCT) dated 27th April, 1970.)

[Ministry of Home Affairs O.M. No. 27|4|70-Est (SCT) dated 21-8-70].

Recommendation (Serial No. 42, Para No. 3.20)

The Committee would also like the Ministry of Home Affairs to impress upon the Union Territories/Administrations to appoint Liaison Officers, if not already appointed, so that the service interests of the Scheduled Castes and Scheduled Tribes could be watched properly.

Reply of Government

The instructions issued by this Ministry regarding nomination of liaison Officers in Ministries/Departments and in Offices under the Heads of the Departments apply also to the Union Territories. The recommendation of the Committee is being brought to the notice of the Union Territory Governments/Administrations.

[Ministry of Home Affairs O.M. No. 27|4|70-Est (SCT) dated 21-8-70].

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT'S REPLIES

Recommendation (SI. No. 14, Para 2.43)

The Committee welcome the appointment of two persons belonging to Scheduled Castes and Scheduled Tribe communities as members of the Union Public Service Commission. They would like the Ministry of Home Affairs to impress upon those States, who have not so far appointed any Scheduled Caste/Tribe person as a member of the State Public Service Commission, to do the needful urgently. The Ministry of Railways should also be advised to ensure that all the Railway Service Commissions include Scheduled Caste/Tribe members. Similarly, all Selection Boards or Recruitment Authorities should include among them at least one Scheduled Castes/Tribes member.

Reply of Government

The recommendation of the Working Group under the Chairmanship of Shri M. R. Yardi, Additional Secretary, Ministry of Home Affairs that it would be desirable to appoint persons from Scheduled Castes as members of the State Public Service Commissions and Railway Service Commissions was forwarded to the State Governments and the Ministry of Railways for their consideration and necessary action. The State Governments have either appointed a Scheduled Caste/Scheduled Tribe member on the State Public Service Commissions or have replied that they would keep the suggestion in view while making appointment of members of the State Service Commissions. The Ministry of Railways have also noted the recommendation of the Working Group and have stated that it would be kept in view as and when posts of Chairman/Member-Secretaries are filled in the Railway Service Commissions. The recommendation of the Committee is also being brought to the notice of the State Governments and the Ministry of Railways. As regards other selection boards or recruiting authorities, these are generally manned by the departmental officers concerned. Keeping in view the nature of the post for which the recruitment is made, selection boards etc. are normally constituted with the departmental officers of suitable status

and background. Ministries etc. would be requested to keep the recommendation of the Committee in this regard in view as far as possible.

[Ministry of Home Affairs O. M. No. 27/4/70—Est (SCT) dated 21-8-70].

Comments of the Committee

The Committee feel that the same principle, which is being followed in regard to Public Service Commissions should also be adopted in regard to departmental committees. The Scheduled Caste/Tribe Officers to the extent available should be associated with the departmental committees.

Recommendation (SI. No. 16, Para 2.49)

The Committee suggest that the Ministry of Home Affairs may take appropriate steps to ensure that the quota reserved for Scheduled Castes and Scheduled Tribes for Stenographers, posts in the Ministry of External Affairs (including Indian Missions abroad) is not allowed to remain unfilled.

Reply of Government

Grade II of the Stenographers sub-cadre of I.F.S. (B) under the M.E.A., which corresponds to Grade II of the C.S.S.S. is controlled by that Ministry. Recruitment to that grade is, however, made through the common stenographers, Examination held by the Union Public Service Commission for the Central Secretariat Stenographers' Service, Railway Board Stenographers' Service, I.F.S. (B), A.F.H.Q. etc. The nominations of the qualified candidates (including the SC/ST) to the various services/offices for which the common examination is held by the U.P.S.C., are made by this Ministry against their reported requirements.

The details of the nominations made to the Grade of Stenographer in the I.F.S. (B) on the basis of the results of the Stenographers' Examinations held by the Union Public Service Commission during the years 1965 to 1968 are given below:—

Year of the Examination	Total demand reported	No. reserved for S.C./S.T.		No. Nominated	
		S.C.	S.T.	S.C.	S.T.
1965 .	15	2	1	1	
1966 . .	10	2	2	1	
1967 . .	28	6	2	2	
1968	5	1	1	1	..

As the number of SC/ST candidates in the above examinations was less than the total reported reserved vacancies some of the reserved vacancies had inevitably remained unfilled not only in the I.F.S. (B) out also in the C.S.S.S., Railway Board Stenographers' service etc. The SC/ST candidates of the 1965, 1966 and 1967 examinations were distributed to the various services/offices proportionately in order to ensure that no service/office went un-represented by these communities. However, the nominations of the SC/ST candidates of the 1968 Examination, like the other general qualified candidates, were made according to the principle of merit-*cum*-references. The recommendation is, however, being sent to the Ministry of External Affairs for necessary action by them.

[Ministry of Home Affairs O.M. No. 27|4|70-Est (SCT) dated 21-8-70].

Comments of the Committee

The action taken by the Ministry of External Affairs may be intimated to the Committee.

Recommendation (Serial No. 23, Para No. 2.77)

The Committee are glad to note that the Government of India are running two pre-examination Training Centres one at Allahabad and the other at Madras—for imparting coaching to the Scheduled Caste and Scheduled Tribe students who intend to appear at the I.A.S., I.P.S. and other allied Services Examinations held by the Union Public Service Commission. The Committee, however, feel that the results shown by these two Centres, especially the Madras Centre, are not very encouraging. They would like the Department of Social Welfare to review the progress made by each Centre periodically in

order to remove the shortcomings. The Committee suggest that Government may open such Centres at other places also so that there is at least one such Training Centre in each State/Union Territory.

Reply of Government (Ministry of Home Affairs)

The recommendation concerns the Department of Social Welfare who have also been addressed by the Lok Sabha Secretariat for replies to the recommendations concerning that Department.

[Ministry of Home Affairs O.M. No. 27/4/70—Est. (SCT) dated 21-8-70].

Reply of Government (Department of Social Welfare)

The Working of the Pre-Examination Training Centres at Allahabad and Madras is constantly reviewed in order to remove the shortcomings noticed in their working.

As during the last few years all reserved vacancies in I.A.S., I.P.S. etc. have been filled in, it is not proposed to set up a training centre in each State/Union Territory for I.A.S., I.P.S. and other Allied Services Examination. Instead a proposal is under consideration to increase the strength of the Allahabad Centre which is showing good results and to allow the pre-examination training centres set up in various States for imparting training to Scheduled Castes and Scheduled Tribes for entry into State Civil Services, to make arrangements for giving coaching to selected Scheduled Caste and Scheduled Tribe candidates for I.A.S., I.P.S. and other Allied Services examinations held by the Union Public Service Commission.

[Department of Social Welfare O.M. No. 7/4/70—RU, dated the 16th September, 1970.]

Recommendation (Serial No. 29, Para No. 2.106)

The Committee are unhappy that the Ministry of Home Affairs did not maintain statistics about the cases of dereservation referred by the various Ministries|Departments to them since the issue of orders dated the 27th March, 1963. From the Statement furnished by the Ministry of Home Affairs for the year 1968-69 (up to 14th August) about the details and number of cases referred to them, the statement showing the number of vacancies dereserved by the Ministry of Home Affairs themselves; and the figures furnished by the Department of Social Welfare, it appears that a large number of Stenographers' and L.D.Cs. posts are being dereserved year after year. In this connection, the Committee would urge that the Ministry of Home Affairs should give serious consideration to the re-

commendation made by the Commissioner for Scheduled Castes and Scheduled Tribes in his 17th Report, *vide* para 2.99 of the Report. The Committee also suggest that before the Ministry of Home Affairs agree to the dereservation of a particular post by a Ministry|Department, the matter should again be referred to the Employment Exchanges in order to explore the possibility of getting Scheduled Castes and Scheduled Tribe candidates.

Reply of Government

Instructions were issued to Ministries etc. in this Ministry's O.M. No. 1|6|67-Est(C) dated 20.9.1967 that all references for dereservation of reserved vacancies should be self-contained and a copy of the reference should be endorsed to the Commissioner for Scheduled Castes and Scheduled Tribes. Prior to the issue of these orders, some of the references used to be made by the Ministries|Departments on their own files which were returned to them with the comments|reply of this Ministry, and therefore, record of all such cases of dereservation is not available in this Ministry. A cell has been formed in this Ministry on 25-7-1968 to collect statistical information regarding representation of Scheduled Castes and Scheduled Tribes. Statistics of cases of dereservation referred to this Ministry by the Ministries|Departments is now being maintained.

In so far as the posts of Stenagraphers and L.D.Cs. in the Central Secretariat Stenographers'|Clerical Services are concerned, recruitment to them is made through a competitive examination held by the U.P.S.C. Scheduled Caste candidates are now being recruited against all the vacancies reserved for them in the L.D.C. grade. Sufficient number of Scheduled Tribe candidates for L.D.C. grade and Scheduled Caste and Scheduled Tribe candidates for Stenographers' grade are, however, not yet available through the examinations held by the U.P.S.C. The unfilled reserved vacancies have been carried forward according to the orders in this regard.

The recommendation of the Commissioner for Scheduled Castes and Scheduled Tribes in his 17th Report, reproduced in para 2.99 of the Committee's Report has already been considered. The comments of this Ministry intimated to the Department of Social Welfare and the Commissioner for Scheduled Castes and Scheduled Tribes in respect of that recommendation are given below:—

"Orders have already been issued in O.M. No. 27|5|68-Est (C) dated 13 3-1968 that while making a reference to the Ministry of Home Affairs for dereservation of reserved vacancies, full details in support of the proposal for dereservation should be given

as for example, the number of vacancies reserved for Scheduled Castes and Scheduled Tribes, the qualifications, experience etc. prescribed for the post, the number of Scheduled Castes|Scheduled Tribes applicants the number invited for interview|test and the efforts made to get suitable candidates from Scheduled Castes and Scheduled Tribes and the specific reasons for non-selection of Scheduled Castes|Scheduled Tribes candidates. A copy of the reference for dereservation has also to be endorsed by the Ministry|Department concerned to the commissioner for Scheduled Castes and Scheduled Tribes. Further, the comments of the Commissioner for Scheduled Castes and Scheduled Tribes on the endorsement made by the Ministries|Departments to his office are awaited for a period of ten days and the comments received if any are taken into account, by this Ministry before sending a reply to the Ministry|Department."

With regard to the suggestion that before agreeing to dereservation of reserved vacancy|vacancies, the matter should again be referred to the Employment Exchanges, it may be stated that the following steps are required to be taken to bring the reserved vacancies in posts filled by direct recruitment (otherwise than through U.P.S.C.) to the notice of the members of Scheduled Castes and Scheduled Tribes before they are de-reserved:—

(i) All vacancies are to be notified to the local or regional Employment Exchange specifying clearly in the requisition, the number of vacancies reserved for Scheduled Castes and Scheduled Tribes.

(ii) Reserved vacancies are to be advertised in newspapers. Copy of the advertisement is to be sent to the Employment Exchange.

(iii) Simultaneously with the advertisement and notification of vacancies to the Employment Exchange, the reserved vacancies are to be brought to the notice of the associations of Scheduled Castes and Scheduled Tribes recognised for this purpose.

Thus, when vacancies are advertised and copy of advertisement sent to the Employment Exchange, the Employment Exchange can sponsor Scheduled Caste|Tribe candidates at that stage also. Reserved vacancies are dereserved only if Scheduled Castes|Tribes candidates are not available even after taking all the steps to secure such candidates. It is therefore considered that no useful purpose would be served if a reference is to be made to Employment Exchanges

again at the stage of dereservation. Such a course, on the contrary, might delay the filling up of vacancies resulting in dislocation of work.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-1970.]

Recommendation (Serial No. 30, Para No. 2.109)

The Committee note that the orders of the Ministry of Home Affairs regarding forwarding of applications by Scheduled Castes and Scheduled Tribes provide that "applications for employment elsewhere of temporary or permanent Central Government servants belonging to Scheduled Castes and Scheduled Tribes should be readily forwarded except in very rare cases where there may be compelling grounds of public interest for withholding such applications". The Committee desire that the Ministry of Home Affairs should impress upon the Ministries|Departments of the Government of India that applications for employment elsewhere of temporary or permanent Scheduled Castes and Scheduled Tribes should be forwarded as a matter of course. Instances where the applications cannot be forwarded should be referred to the Ministry of Home Affairs.

Reply of Government

The recommendation of the Committee is being brought to the notice of all Ministries|Departments etc. with a request that subject to the general orders issued from time to time regarding forwarding of applications of permanent and temporary employees and scientific and technical and non-scientific and non-technical employees etc. the applications of employees belonging to Scheduled Castes and Scheduled Tribes should be readily forwarded, except in very rare cases where there may be compelling grounds of public interest for withholding such applications. It is, however, not considered necessary that every case in which an application of Scheduled Caste|Tribe employee for employment elsewhere is not forwarded should be reported to the Ministry of Home Affairs. Such cases would, however, be reported to the Liaison Officer nominated in the Ministry or in the Offices under the Head of the Department for work relating to representation of Scheduled Castes and Scheduled Tribes.

[Ministry of Home Affairs O.M. No. 27|4|70-Est.(SCT) dated 21-8-70.]

Recommendation (Serial No. 31, Para No. 2.117)

The Committee are distressed to note the poor intake of Scheduled Caste and Scheduled Tribe candidates in Indian Foreign Service, I.A.S., I.P.S., Indian Forest Service, Central Secretariat

Service as well as all other services as stated in paragraphs 2.114 and 2.116 of the Report. Considering the fewer number of Scheduled Caste and Scheduled Tribe Officers in these services, the Committee cannot help concluding that the orders|instructions of the Ministry of Home Affairs regarding reservations made for Scheduled Castes and Scheduled Tribes in public services are not being implemented properly. They would, therefore, suggest that the position regarding the intake of Scheduled Caste and Scheduled Tribe candidates in public services should be kept under constant watch by the Institute of Manpower Research under the Ministry of Home Affairs as well as by the Planning Commission.

Reply of Government

In I.A.S. and I.P.S. candidates belonging to Scheduled Castes and Scheduled Tribes are being appointed against the full quota of vacancies reserved for them during the past several years, as would be seen from para 2.113 of the Committee's Report. In the case of Indian Forest Service also, Scheduled Caste|Tribes candidates have been appointed against the full quota of vacancies reserved for them since the constitution of the Service *vide* para 2.113 of the Report. As regards the Central Secretariat Services, it would be seen from para 2.115 of the Report that all the vacancies reserved for Scheduled Castes and Scheduled Tribes in recruitment to the grade of Section Officer on the basis of the I.A.S. etc. Examinations 1965 and 1966 and in recruitment to the grade of Assistants through Assistants' grade examination, 1965 and 1966 have been filled by candidates belonging to the appropriate communities (except one vacancy for Scheduled Tribes in the Section Officers' grade in the Examination of 1965 for which a Sch. Tribe candidate was offered appointment but did not join). In the L.D.C.'s grade also, all the vacancies reserved for Scheduled Castes in the examination held in 1966 were filled by candidates belonging to these communities. There has, however, been shortfall in the recruitment of Scheduled Caste|Scheduled Tribe in the Stenographers' grade of the C.S.S.S. and in recruitment through Combined Engineering Services Examination, Engineering Services (Electronics) Examination and Geologists Examination. Sufficient number of Scheduled Castes candidates did not apply for the Combined Engineering Services Examination. Engineering (Electronics) Examination and Geologists Examination. Since recruitment to the various services mentioned above is made through examinations and sufficient number of Scheduled Castes|Tribes candidates either did not apply or did not qualify in the examination even by relaxed

standards, it would not be correct to say that the low intake of Scheduled Castes and Scheluled Tribes in these Services is due to non-implementation of the orders. The position regarding intake of Scheduled Castes and Scheduled Tribes is, however, kept constantly under watch by this Ministry . Recently, with a view to accelerate the induction of Scheduled Castes and Scheduled Tribes in the vacancies reserved for them, instructions have been issued to Ministries etc. that if sufficient number of Scheduled Castes/Tribes candidates are not available on the basis of the general standard to fill all the vacancies reserved for them in posts filled by direct recruitment whether by examination or otherwise, candidates belonging to these communities should be selected to fill up the remaining reserved vacancies if they are not found unfit for such post or posts *vide* O.M. No. 1|1|70-Est (SCT) dated 25-7-1970 (copy at Appendix to the replies to recommendations Nos. 11 and 12). Instructions have also been issued that in the case of direct recruitment otherwise than through examination, only Scheduled Castes|Tribe candidates should be considered for reserved vacancies on the first occasion and if sufficient number of Scheduled Caste|Tribe candidates are not available, the vacancies should be readvertised, *vide* O.M.No.1|1|70-Est (SCT) dated 31-7-14 (Copy at Appendix to the replies to recommendation Nos. 11 and 12). The functions of the Institute of Manpower Research on the Planning Commission are not such that these could be made the agencies to do the work referred to by the Committee.

[Ministry of Home Affairs O.M. No. 27|1|70-Est (SCT) dated 21-8-70.]

Recommendation (Serial No. 88, Para No. 3.9)

The Committee also agree with the recommendation made by the Commissioner for Scheduled Castes and Scheduled Tribes, in his Fifteenth Report (1965-66) that the field of Scheduled Castes and Scheduled Tribes may be increased from five to ten times of the vacancies to be filled so that they may have better chances of promotion to higher posts.

Reply of Government

The zone of consideration for promotion by selection is generally five or six times the estimated number of vacancies for which a select list is to be prepared. Reservation has been provided for Scheduled Castes and Scheduled Tribes in Class III and IV posts filled by promotion by selection, in grades or services in which the element of direct recruitment, if any, does not exceed 50 percent, *vide* orders dated 11th July, 1968. For vacancies reserved for Scheduled Castes and Scheduled Tribes, a separate select list is to be drawn of

candidates belonging to these communities. For such separate select list for reserved vacancies, the zone of consideration is also separate from the normal zone of consideration for general candidates. Thus if there are 4 vacancies reserved for S.Cs. 5 or 6 times this number namely 20 or 24 eligible S.Cs. candidates would constitute the zone of consideration. Enlargement of this zone of consideration would have no impact on the utilization of the reserved vacancies.

As regards Class I and II posts filled by promotion by selection, since there is no reservation for Scheduled Castes and Scheluled Tribes in such posts, a separate zone of consideration cannot be provided for such candidates alone.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-70.]

CHAPTER IV

RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendations (Serial Nos. 1 & 2, Paras Nos. 1.11 & 1.12)

The Committee welcome, the constitution of the Committee under the Chairmanship of the Minister of Home Affairs to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the services under the Government of India, Union Territories and Public Undertakings. The Committee hope that the Committee would meet at regular intervals, submit its reports on its findings, suggest ways and means to remedy the situation and ensure the speedy implementation of its recommendations.

The Committee also desire that the recommendations made by that Committee together with action taken thereon by Government should be laid on the Table of the Lok Sabha and Rajya Sabha.

Reply of Government

The Committee set up under the Chairmanship of the Minister of Home Affairs to review the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the services under the Government of India, Union Territories and public undertakings under the control of the Government of India meets at regular intervals. The Committee, however, does not submit any report. The Committee deliberates on the various aspects relating to the policy regarding reservations for Scheduled Castes and Scheduled Tribes in services. The important measures taken by the Govemnent in regard to representation of Scheduled Castes and Scheduled Tribes in pursuance of the recommendations of the Committee are mentioned in the Annual Report of the Ministry of Home Affairs, copies of which are circulated to Members of Parliament. The Committee being in the nature of a Consultative Committee, it is not considered necessary that the Committee should submit any formal report or that such report with action taken thereon be placed on the Table of the Lok Sabha and Rajya Sabha.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-70.]

Comments of the Committee

Please see Chapter I (Para 1.4)

Recommendation (Serial No. 3, Para No. 1.12)

The Committee note that in consonance with the instructions issued by the Ministry of Home Affairs all the Ministries|Departments have since appointed Liaison Officers to ensure due compliance by the appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes and Scheduled Tribes and other benefits admissible to them. The Committee observe that there have been insignificant improvement in regard to the employment of Scheduled Castes and Scheduled Tribes in Class I and Class II Services during the period 1964-66 and there is still, according to the Ministry's own admission, a backlog to carry. So far as Class III posts are concerned, the position is still worse in spite of the fact that there is no dearth of suitable candidates. The Committee would like to stress that it should be the responsibility of the appointing authorities|Liaison Officers to see that the instructions issued by the Ministry of Home Affairs in the matter of reservation of posts are scrupulously observed. In case any instance of non-observance of the orders comes to the notice of the Ministry of Home Affairs, the appointing authorities|Liaison Officers concerned should be held personally responsible for the lapse.

Reply of Government

A statement showing the total number of employees and the Scheduled Castes ond Scheduled Tribes amongst them as on 1st January, 1964, 1st January, 1965 and 1st January, 1966 is attached (Appendix I). As would be seen from this statement, the number of Scheduled Castes in all classes of service is increasing every year. In the case of Scheduled Tribes also, there is increase in Class I and IV. The Scheduled Castes and Scheduled Tribes are being appointed against the full quota of vacancies reserved for them for the past several years not only in the I.A.S. and I.P.S. but also in the various Central services to which recruitment is made on the basis of I.A.S. etc. combined competitive examinations. It has to be noted that the reservation is provided in respect of vacancies arising from time to time and not as a proportion of the total strength of any class of service. If the representation of these communities in the services does not yet correspond to the percentages of reservation, it is mainly because when the reservation orders came into force, their representation was very poor. It was in this context that it was stated that

there is still a backlog to carry. The period for carry forward of reserved vacancies has now been increased from two to three recruitment years. Certain further concessions and facilities have also been provided to Scheduled Castes and Scheduled Tribes officers for their promotion in Class I. With these measures, it is expected that the pace of progress in the representation of Scheduled Castes and Scheduled Tribes in all classes will be accelerated.

The duties of the Liaison Officers who have been nominated in each Ministry/Department and in offices under the Heads of Departments include "ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes and Scheduled Tribes and other benefits admissible to them." Besides, the Commissioner for Scheduled Castes and Scheduled Tribes who is vested with the powers to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution, keeps a vigilant watch on the observance of the reservation orders. As regards the recommendation that the appointing authority/Liaison Officer should be held personally responsible for any lapse of non-observance of the reservation orders, it may be stated that all Government servants would be liable for disciplinary action for any act of commission or omission which results in non-implementation of Government orders and so it is not necessary to issue any separate instructions in this regard.

[Ministry of Home Affairs O.M. No. 27/4/70-Est(SCT) dated 21st August, 1970.]

Comments of the Committee

Please see Chapter I (Para 1.7)

Recommendations (Sl. Nos. 8 & 9, Paras 2.15 & 2.16)

The Committee are unhappy to note from the statement given above that at the time of the initial constitution of the Indian Forest Service, only 9 Scheduled Caste and 8 Scheduled Tribe Officers could be selected out of 22 Scheduled Caste and 21 Scheduled Tribe Officers considered for the purpose, the percentage to the total number of Officers appointed being only 1.3 for Scheduled Castes and 1.1 for Scheduled Tribes. They are also unhappy that no reservations for Scheduled Castes and Scheduled Tribes are provided in the initial constitution of the Indian Medical and Health Service which was constituted in February, 1969. The Committee do not expect any appreciable increase in the number of Scheduled Castes and Scheduled

Tribes in Public Service unless the orders regarding representation of Scheduled Castes and Scheduled Tribes are made applicable to the Services as a whole (*i.e.* in posts) and not merely to the vacancies, as and when they occur.

The Committee are in agreement with the views of the Elayaperumal Committee that the existing rules, particularly of the newly constituted services should be so amended as to provide for adequate reservation for the Scheduled Castes and Scheduled Tribes at the initial stage of recruitment. The Committee suggest that Government should urgently review the present policy in regard to making reservations for Schduled Castes and Scheduled Tribes at the time of initial constitution of an All India Service.

Reply of Government

Article 335 of the Constitution provides that the claims of the members of Scheduled Castes and Scheduled Tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State. This constitutional obligation is fully discharged when reservations are provided for these communities in the vacancies being filled up from time to time in a service or post.

When new services are constituted, at the initial constitution, Departmental candidates who may be holding posts which are incorporated in the new services, are screened and considered for absorption in the service. These are not new vacancies which are being filled and, therefore, the question of applying reservation at the stage of initial constitution, when only departmental candidates are considered, does not arise. If, however, direct recruitment has to be resorted to at the time of initial constitution also due to non-availability of suitable departmental candidates, the usual reservation for Scheduled Castes and Scheduled Tribes would apply in such direct recruitment. If reservation is introduced even at the initial constitution of a Service when only departmental candidates are considered, some of the general candidates whose posts are incorporated in the new service will remain unabsorbed and they would have no post on which they could continue. It may be stated that the Supreme Court had observed in the case of Rangachari *versus* Southern Railway that the problem of adequate representation of the backward class of citizens must be fairly and objectively considered and an attempt must always be made to strike a reasonable balance between the claims of backward classes and the claims of

other employees as well as the important consideration of efficiency of administration. It is, therefore, not possible to make reservations for Schduled Castes and Scheduled Tribes at the time of initial constitution of an All India Service.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-70.]

Comments of the Committee

Please see Chapter I (Para 1.10)

Recommendations (Sl. Nos. 11 & 12, Paras 2.36 & 2.37)

The Committee have noted the orders issued by the Ministry of Home Affairs regarding standards of 'suitability' which are to be observed by the appointing authorities in the case of recruitment of Scheduled Castes and Scheduled Tribes. They are, however, unhappy to be told that the term 'suitability' is more or less of a subjective character and that it is difficult to ascertain the reason on account of which a particular candidate is considered unsuitable either by Union Public Service Commission or by any other recruiting authority. The Committee would like to impress upon the Ministry of Home Affairs the desirability of devising adequate checks to ensure the rigid application of relaxed standards by the appointing authorities in the case of Scheduled Castes and Scheduled Tribes. They suggest that the standards, specially regarding *viva-voce* fixed for Scheduled Castes and Scheduled Tribes should be further relaxed if they cannot be abolished altogether.

The Committee also suggest that the feasibility of appointing Scheduled Castes and Scheduled Tribes, possessing minimum qualifications, to some categories of posts, without any written or *viva-voce* test, may be considered.

Reply of Government

The existing orders give full discretion to the Union Public Service Commission or other recruiting authority to relax standards in favour of Scheduled Castes and Scheduled Tribes candidates while considering their selection against reserved vacancies provided such a relaxation does not militate against the maintenance of effciency of administration. However, the question of laying down the extent of relaxation of standards as also other matters relating to selection

of Scheduled Castes and Scheduled Tribes candidates against reserved vacancies has been further considered by Government and it has been decided as follows (*vide* O.Ms. No. 1|1|70-Est(SCT) dated 25th July, 1970 and 31st July, 1970 (Appendices III and IV):—

(i) Scheduled Castes/Scheduled Tribes candidates would be selected for the vacancies reserved for them unless they are found unfit for appointment to the post/posts in question.

(2) In posts filled otherwise than through an examination, if all vacancies on a particular occasion are to be filled up exclusively by Scheduled Castes and/or Scheduled Tribes candidates, advertisements would be issued inviting applications from the candidates of the concerned community only without any provisions for consideration of non-Scheduled Castes/Tribes candidates. When some of the vacancies are reserved and others are unreserved, a single advertisement would be issued but in such cases also, non-Scheduled Castes/Tribes candidates would not be considered against reserved vacancies on this occasion.

If Scheduled Castes/Tribes candidates are not forthcoming, as a result of the advertisements as above, the vacancies would be advertised again providing for consideration of general candidates as well, if suitable candidates belonging to the Scheduled Castes/Scheduled Tribes are not available. In the meanwhile, if the post is required to be filled up urgently, the appointing authority can appoint a suitable candidates of the community for which the post is reserved, on an *ad hoc* basis.

(3) Where candidates for any particular post/posts required to be interviewed, the interview of Scheduled Castes/Scheduled Tribes candidates for posts reserved for them would be held on a date or sitting of the Selection Committee other than the one on which general candidates are interviewed so that the interviewing authority may be fully aware of the need of judging the Scheduled Castes and Scheduled Tribes candidates by relaxed standards.

With the issue of these orders, the position regarding selection of Scheduled Castes/Tribes candidates against reserved vacancies is expected to improve considerably. It would, however, neither be feasible nor conducive to the maintenance of efficiency in administration,

to appoint Scheduled Caste|Tribe candidates on the basis of mere eligibility for a post without going through the procedure for selection by relaxed standards or on the basis of fitness.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21st August, 1970.]

Comments of the Committee

Please see Chapter I (Para 1.13).

Recommendation (Sl. No. 13, Para 2.38)

The Committee also feel that in order to give impetus and encouragement to the Scheduled Castes and Scheduled Tribes, such of them, who of their own come on the merit list in a competitive examination, should be taken against the general seats and not against the reserved quota of vacancies. The Committee suggest that the Union Public Service Commission/State Public Service Commissions should give this matter urgent consideration.

Reply of Government

Article 16(4) of the Constitution permits reservation of appointment or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. The percentages of reservation for Scheduled Castes and Scheduled Tribes in the services under the Government of India have already been fixed according to the population of these communities in the country. The principle of reservation is meant to ensure requate representation of candidates of the backward communities concerned even by applying relaxed standards. The number of Scheduled Castes/Scheduled Tribes available in the merit list would therefore go to reduce the number of the candidates of these communities to be taken by relaxed standards. If, however, the number of Scheduled Castes/Scheduled Tribes candidates included in the select list on the basis of merit exceeds the quotas reserved for them, all of them would be taken in, and it would not be necessary to consider any other candidates of these communities by relaxed standards. In view of the position indicated above, it would not be possible tc accept the suggestion of the Committee.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21st August, 1970.]

Comments of the Committee

Please see Chapter I (Para 1.16).

Recommendation (Sl. No. 15, Para 2.48)

In view of the poor intake of Scheduled Castes and Scheduled Tribes in the Central Secretariat Stenographers' Service, as is evident from the statement given at para 2.46 of the Report, the Committee would like the Ministry of Home Affairs to reconsider whether the rules for the recruitment of Stenographers, so far as they are applicable to Scheduled Castes and Scheduled Tribes, could be further relaxed.

Reply of Government

Prior to the reorganisation of the Central Secretariat Stenographers' Service with effect from 1st August, 1969 all the posts of Grade II Stenographers of the service were filled on the basis of competitive examinations held by the Union Public Service Commission. The number of vacancies reserved for Scheduled Castes and Scheduled Tribes and the number of candidates belonging to these communities recruited through the Stenographers' Examinations held during 1965—68 is indicated below:—

Year of Examination	No. of vacancies reserved for		No. of SC/ST candidates Nominated	
	S.C.	S.T.	S.C.	S.T.
1965	95	38	5 (out of 11 qualified)	
1966	83	33	4 (out of 9 qualified)	
1967	48	19	12 (out of 19 qualified)	
1968	29	13	12 (out of 14 qualified)	

The rules for the above Examinations provided for relaxations of standards in the case of Scheduled Castes and Scheduled Tribes candidates. Sufficient number of Scheduled Castes candidates were, however, not available to fill all the vacancies reserved for them, despite relaxation of standard, and Scheduled Tribes were not available at all.

The Central Secretariat Stenographers' Service has been reorganised with effect from 1st August, 1969 to consist of the following grades:

Grades	Classification
(i) *Selection Grade* . . . . . (Private Secretaries to Secretaries/Special Secretaries/Addnl. Secys. / First P.As. to Ministers and P.S. to Deputy Ministers).	Central Civil Service Class II Ministerial
(ii) *Grade I*— (Senior P.As. to Joint Secretaries and Officers of equivalent ranks and A.P.S. to Ministers).	-do-
(iii) *Grade II*— (P.As.)	-do-
(iv) *Grade III*— . . (for Stenotypists)	Central Civil Service ClassIII — Ministerial

The posts in Selection Grade and Grade I of the service are filled entirely by promotion. As regards Grade II of the service 62½ per cent of the posts in that grade are to be filled by direct recruitment and the remaining 37½ per cent by promotion from Grade III Stenographers. All the posts in Grade III of the Service are to be filled on the basis of competitive examination held by the Secretariat Training School and the examination would be confined only to the members of the C.S.C.S. Necessary reservation is made for Scheduled Castes and Scheduled Tribes in Grade III and in Grade II posts filled by direct recruitment. The rules also provide for relaxation of standards in the case of Scheduled Castes and Scheduled Tribes. If any reserved vacancies remain unfilled due to non-availability of Scheduled Caste|Tribe candidates, the reservations are carried forward. The period for carry forward of the reservations has now been increased from two to three subsequent recruitment years and the reserved vacancies for Scheduled Castes and Scheduled Tribes have been made interchangeable in the third year of carry forward. Thus there is hardly any scope for further relaxation in the case of Scheduled Castes and Scheduled Tribes in recruitment to the posts of Stenographers.

9 pre-examination training centre sponsored by the Department of Social Welfare has recently been opened in Delhi for coaching of Scheduled Caste|Tribe candidates appearing for subordinate examinations to be held for recruitment to the grades of Assistants, Stenographers, U.D.Cs. and Lower Division Clerks. The intake

of Scheduled Castes and Scheduled Tribes in the Stenographers Service is, therefore, likely to improve in the future.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21st August, 1970.]

Comments of the Committee

Please see Chapter I (Para 1.19).

Recommendation (Serial No. 17, Para 2.50)

The Committee further suggest that the Ministry of Home Affairs may hold an examination exclusively for Scheduled Castes and Scheduled Tribes for recruitment as Stenographers so that the intake of Scheduled Castes and Scheduled Tribes in Central Secretariat Stenographers Service can be augmented.

Reply of Government

According to the Supreme Court's judgement in the case of Devadasan *versus* Union of India, reservation in excess of 50 per cent would not be constitutional. In view of this position, special examination in which only Scheduled Castes|Tribes candidates are allowed to appear would go against the judgement of the Supreme Court and is, therefore, not possible. It may be stated that in direct recruitment through examinations, the standards of suitability are relaxed in the case of Scheduled Castes and Scheduled Tribes candidates. Further, the percentages of reservation for Scheduled Castes and Scheduled Tribes in direct recruitment and in promotion, where applicable, have been enhanced with effect from 25-3-1970 *vide* Resolution No. 27|25|68-Est(SCT) dated 25-3-70. The Scheduled Castes|Tribes candidates who possess the necessary qualifications for appointment to the posts of Stenographers would, therefore, now have more chances to enter the Stenographers Services under the various Ministries etc. A pre-examination training centre sponsored by the Department of Social Welfare has recently been set up in Delhi for coaching of S.C.|S.T. candidates appearing for subordinate examinations to be held for recruitment to the grades of Assistants, Stenographers, Upper Division Clerks and Lower Division Clerks. This is likely to improve the intake of Scheduled Castes|Scheduled Tribes in future.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21st August, 1970.]

Comments of the Committee

Please see Chapter I (Para 1.22).

Recommendation (Serial No. 2, Para 2.59)

The Committee take note of the views of the Ministry of Home Affairs as also of the Department of Social Welfare that a separate executive authority to nominate Scheduled Caste and Scheduled Tribe candidates against reserved vacancies would not be feasible. They, however, feel that there should be no difficulty in appointing a separate executive authority to nominate Scheduled Caste and Scheduled Tribe candidates in all posts outside the purview of the U.P.S.C. They also suggest that the Department of Social Welfare should conduct periodical surveys so as to see to what extent the nomination of Scheduled Castes and Scheduled Tribes made by the Ministries|Departments of the Government of India against reserved posts were in accordance with the orders of the Ministry of Home Affairs. The Committee have no doubt that the Commissioner for Scheduled Castes and Scheduled Tribes would also include cases of non-implementation of these orders in his reports to the President.

Reply of Government

The views of this Ministry expressed in connection with a similar recommendation made earlier by the Seminar of Employment of Scheduled Castes and Scheduled Tribes are given in para 2.56 of the present Report of the Parliamentary Committee. Generally, Class III and IV posts are filled otherwise than through the U.P.S.C. and the Head of the Department or Head of Office is the appointing authority for such posts. Such authority makes recruitment both against reserved and unreserved vacancies and while filling reserved vacancies takes into account the orders regarding relaxation of standards in favour of Scheduled Caste and Scheduled Tribe candidates. The present suggestion implies that in posts outside the purview of the U.P.S.C. while nomination against unreserved vacancies would continue to be made by the appointing authority concerned *i.e.* the Head of the Department|Head of Office etc., nomination against reserved vacancies would be made by a separate executive authority appointed for this purpose. The suggestion thus envisages two separate authorities in relation to a particular post or posts, one for nomination against unreserved vacancies and another for nomination against reserved vacancies. The U.P.S.C. is a Statutory Body created under Article 315 of the Constitution. Another statutory body in the form of a Central executive authority, on the lines of the U.P.S.C.,

for nominating Scheduled Caste and Scheduled Tribe candidates cannot be visualised. The responsibility for selection of candidates both for reserved and unreserved vacancies in posts outside the purview of the U.P.S.C. is that of the appointing authority and only such appointing authority would be in the best position to judge the suitability of the candidates keeping in view the requirements of each category of post or posts. Further, recruitment to various Class III and IV posts is made on a local or regional basis and the candidates nominated by the local employment exchanges are generally considered. Since there is no centralised recruitment to such Class III and IV posts, it would not be practicable to have a central authority to nominate Scheduled Caste and Scheduled Tribe candidates only against reserved vacancies.

Instructions have been issued to Ministries etc. that where recruitment is made through the Employment Exchanges, if any of the vacancies reserved for Scheduled Castes|Scheduled Tribes|ex-servicemen is not filled by a candidate of the respective category sponsored by the Employment Exchange, specific reasons therefore should be communicated to the Exchange *vide* O.M. No. 14|12|67-Estt. (D) dated 10-4-68. Prior approval of the Ministry of Home Affairs is required to be obtained where reserved vacancies have to be de-reserved and filled by general candidates if the vacancies are those included in the roster for permanent and temporary appointments likely to become permanent or to continue indefinitely. These checks are adequate and it is not considered necessary to conduct periodical surveys of nomination of Scheduled Castes|Tribes candidates. (Ministry of Home Affairs O.M. No. 27|4|70-Est (SCT) dated 21-7-70).

[Ministry of Home Affairs O.M. No. 27|4|70-Est (SCT) dated 21-8-1970.]

Comments of the Committee

Please see Chapter I (*Para* 1.25).

Recommendation (Serial No. 35, Para 2.122)

The Committee consider that in view of the meagre representation of Scheduled Castes and Scheduled Tribes in public services, it is desirable to accord recognition to Unions|associations of Scheduled Castes and Scheduled Tribes which are of an all India character.

Reply of Government

Certain welfare associations of Scheduled Castes and Scheduled Tribes have been recognised by this Ministry for the purpose of notifying vacancies reserved for Scheduled Castes and Scheduled Tribes.

Associations of Scheduled Castes and Scheduled Tribes Govt. employees are, however, not being recognised as the policy of Government is not to recognise associations of Government employees which are formed on the basis of caste, tribe or religion. The Scheduled Castes and Scheduled Tribes employees can ventilate their service grievances through the service associations besides making individual representations as provided for under the rules. The Commissioner for Scheduled Castes and Scheduled Tribes is also exercising a vigilant watch to ensure that no injustice is done to Scheduled Castes and Scheduled Tribes employees.

As regards recognition of associations for purpose of notifying reserved vacancies, four Associations of Scheduled Castes (with 16 Branches of one of them) and one Association of Scheduled Tribes with its 47 Branches have already been recognised for this purpose. Publicity of reserved vacancies is at present being made also in a number of Indian Languages and English newspapers besides notifying vacancies to the Employment Exchange. In the light of much greater publicity that is now being given to employment opportunities for Scheduled Castes and Scheduled Tribes, it is not considered necessary to recognise any new associations for this purpose.

[Ministry of Home Affairs O.M. No. 27|4|70-Est(SCT) dated 21-8-70.]

Comments of the Committee

Please see Chapter I (*Para* 1.28).

Recommendation (Serial No. 40, Para 3.15)

The Committee suggest that Government may examine whether there should be reservations for Scheduled Castes and Scheduled Tribes in appointments made by promotion on the basis of seniority, subject to fitness.

Reply of Government

When posts are filled by promotion on the basis of seniority subject to fitness, equality of opportunity is ensured in that every person gets his promotion in his own turn unless he is weeded out as unfit. It cannot be said that Scheduled Castes and Scheduled Tribes employees suffer any disability in this mode of promotion as their comparative merit with others is not judged but like others they too are promoted subject to their fitness. In a number of judgments,

the Supreme Court observed that the matter relating to employment in respect of which equality of opportunity has been guaranteed by article 16(1) and (2) of the Constitution do not fall within the scope of the exception in clause (4) of that article. It is, therefore, evident that provisions of article 16(4) of the Constitution cannot, therefore, be extended to cover promotions made on the basis of seniority subject to fitness. In view of this, it is not legally permissible and would also not be equitable to provide reservations in posts filled by promotion on the basis of seniority subject to fitness.

[Ministry of Home Affairs O.M. No. 27/4/70-Est(CST) dated 21-8-70.]

Comments of the Committee

Please see Chapter I (Para 1.31).

Recommendation (Serial No. 43, Para 3.28)

Having considered the figures supplied by the Ministry of Home Affairs and the Department of Social Welfare regarding the number of ex-cadre posts being held by Scheduled Castes and noting that not a single Scheduled Tribe is holding such a post in either the Ministry of Home Affairs or the Department of Social Welfare, the Committee cannot but conclude that the instructions of the Ministry of Home Affairs, as mentioned in para 3.25 of the Report, have had no impact in this behalf. The Committee feel that there should be no practical difficulty in providing for reservations for Scheduled Castes and Scheduled Tribes in the ex-cadre and deputation posts. Unless this is done, the Scheduled Castes and Scheduled Tribes will never get their due representation in such posts as the past experience has shown. The Committee, therefore, recommend that necessary reservations for Scheduled Castes and Scheduled Tribes should also be provided in the ex-cadre and deputation posts.

Reply of Government

The principle of reservation for Scheduled Castes and Scheduled Tribes which applies to posts filled by direct recruitment and to certain categories of posts filled by promotion cannot extended to posts filled by deputation or transfer. Due to the very nature of the posts filled by deputation or transfer, selection for such posts has to be from amongst the suitable candidates possessing the requisite experience etc. Further, reservations must have been applied when

the original posts/services from which persons are sent on deputation to ex-cadre posts were initially filled. It is, therefore, not feasible to make reservation in posts filled by deputation or transfer.

[Ministry of Home Affairs O.M. No. 27/4/70-Est (CST) dated 21-8-70.]

Comments of the Committee

Please see Chapter I (*Para* 1.33).

CHAPTER V

RECOMMENDATION IN RESPECT OF WHICH FINAL REPLY HAS NOT BEEN RECEIVED FROM GOVERNMENT

Recommendation (Sl. No. 25, Para 2.84)

The Committee would like the Ministry of Home Affairs/Department of Social Welfare to issue necessary instructions to various Ministries/Departments to stipulate the observance of the principle that all institutions which receive grants-in-aid from the Government should make reservations for Scheduled Castes and Scheduled Tribes in the posts under them.

Reply of Government (Ministry of Home Affairs)

As would be seen from para 2.80 of the Report of the Committee, a similar suggestion made by the Seminar on Employment of Scheduled Castes and Scheduled Tribes was forwarded by this Ministry to the Department of Social Welfare. The recommendation is primarily for the Department of Social Welfare. That Department is examining this recommendation in consultation with the concerned Ministries.

[Ministry of Home Affairs O.M. No. 27/4/70-EST(SCT) dated 21-8-70].

Reply of Government (Department of Social Welfare)

The matter is under consideration in consultation with the Ministry of Finance.

[Department of Social Welfare O.M. No. 7/4/70-RU, dated the 16th September, 1970].

D. BASUMATARI,
Chairman,
Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

NEW DELHI;
December 10, 1970.
Agrahayana 19, 1882 (*Saka*).

APPENDIX I

Statement showing progressive representation of Scheduled Castes and Scheduled Tribes in services of Central Government for the year 1964—66.

Class	Total No of Employees	Scheduled Castes	%age	Scheduled Tribes	%age
	As on 1-1-1964				
I	18040	278	1·54	41	0·22
II	28,789	799	2·78	88	0·31
III	10,46898	87510	8·36	11,365	1·09
IV	11,13,148 (excluding sweepers)	1,94,621	17·48	35883	3·22
Total.	2206,875	283208	12·83	47377	2·15
	As on 1-1-1965				
I	19379	318	1·64	52	0·27
II	30,621	864	2·84	103	0·34
III	10,82,278	96,114	8·88	12,390	1·14
IV	11,32,517 (excluding sweepers)	201,073	17·75	38444	3·39
Total	22,64,795	298,369	13·17	50,989	225
	As on 1-1-1966				
I	20379	361	1·77	106	0·52
II	30,001	974	3·25	80	0·27
III	11,17,54	99,017	8·86	12,356	1·10
IV	1176,826 (exc'uding sweepers)	211,073	17·94	40,113	3·41
Total	23,44,960	3,11,425	13·28	52,655	2·24

APPENDIX II

No. 27/25/68-Est (SCT)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi-1, the 25th March, 1970|4th Chaitra, 1892.

RESOLUTION

The policy of the Government of India in regard to reservations for Scheduled Castes and Scheduled Tribes in posts and services under the Government of India was laid down in the Ministry of Home Affairs Resolution No. 42/21/49-NGS dated 13th September 1950. The question of revising the percentages of reservation for Scheduled Castes and Scheduled Tribes in posts and services under the Government of India in the light of the population of these communities as shown in the 1961 Census has been under the consideration of the Government for some time. It has now been decided in modification of the decisions contained in paras 2 and 4(1) of the Resolution dated 13th September, 1950 that the following reservations will hereafter be made for Scheduled Castes and Scheduled Tribes in posts and services under the Government of India which are filled by direct recruitment:—

Scheduled Castes: Instead of the existing reservation of 12½ per cent, there will be a reservation of 15 per cent of the vacancies in favour of Scheduled Castes, in posts filled by direct recruitment on an all India basis by open competition *i.e.* through the Union Public Service Commission or by means of open competitive tests held by any other authority. Where recruitment is made otherwise than by open competitive, the existing reservation at 16-2|3 per cent of the vacancies in favour of Scheduled Castes will continue.

Scheduled Tribes: Both in recruitment by open competition and in recruitment made otherwise than by open competition to posts filled by direct recruitment on an all India basis, the reservation in favour of Scheduled Tribes will be 7½ per cent as against the existing reservation of 5 per cent.

2. In posts and service recruitment to which is made on a local or regional basis, the percentages of reservation for Scheduled Castes and Scheduled Tribes shall be revised wherever necessary after taking into account the percentages of population of Scheduled Castes and Scheduled Tribes in the various States and Union Territories according to the 1961 Census.

3. The Government of India have also decided that in vacancies in posts filled by promotion in which reservations have been provided *vide* Ministry of Home Affairs Office Memorandum No. 1/12/67-Est(C) dated 11th July, 1968, the percentages of reservation for Scheduled Castes and Scheduled Tribes in such posts shall also be raised from 12½ per cent to 15 per cent in favour of Scheduled Castes and from 5 per cent to 7½ per cent in favour of Scheduled Tribes.

4. These orders shall take effect from the date of issue of this Resolution, except where rules for a competitive examination have already been published or where selections for posts to be filled by direct recruitment or for posts to be filled by promotion have already been made prior to the issue of these orders.

Sd/- UMA SHANKAR,
Joint Secretary to the Government of India.

ORDERS: Ordered that a copy of the Resolution be communicated to all Ministries/Departments of the Government of India, all Union Territories Zonal Councils, all Attached and Subordinate Officers of the Ministry of Home Affairs, the Commissioner for Scheduled Castes and Scheduled Tribes, the Union Public Service Commission, the Comptroller & Auditor General of India, the Cabinet Secretariat (Department of Cabinet Affairs), the Cabinet Secretariat (Department of Statistics), President's Secretariat, Prime Minister's Secretariat, Vice-President's Secretariat, Planning Commission, Administrative Reforms Commission and all State Governments for information.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/- UMA SHANKAR,
Joint Secretary to the Government of India.

APPENDIX III

No. 1/1/70-Est (SCT)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi-1, dated the 25th July, 1970/ 3rd Sravana, 1892

OFFICE MEMORANDUM

SUBJECT:—*Selection of Scheduled Castes/Scheduled Tribes candidates against reserved vacancies—Relaxation of standards.*

According to the instructions in this Ministry's Office Memorandum No. 8/10/66-Est(C), dated 15th May, 1970 read with O.M. No. 16|17|67-Est (C), dated the 8th February, 1968 if Scheduled Caste/Tribe candidates obtain, according to their normal position in the examination for direct recruitment, less vacancies than the number reserved for them, the selecting authorities have discretion, in order to make up the deficiency, to select candidates belonging to these communities who may have obtained a low place in the examination, provided that such authorities are satisfied that the minimum standard necessary for maintenance of efficiency of administration has been reached in their cases. Similarly, in direct recruitment otherwise than by examination, if Scheduled Castes/Tribes candidates obtain, on the basis of the general standard, less vacancies than the number reserved for them, the selecting authorities can, in order to make up the deficiency, select Scheduled Caste/Tribe candidates who may be of a lower standard than candidates of other communities, provided such candidates satisfy the minimum standard necessary for maintenance of efficiency of administration The extent of relaxation of standard, while juding the suitability of Scheduled Caste/Tribe candidates, both in direct recruitment by examination and otherwise than by examination, is thus at present decided by the selecting authority in the case of each category of post or posts. It has now been

decided that, in the case of direct recruitment, whether by examination or otherwise, if sufficient number of Scheduled Caste/Tribe candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for Scheduled Castes and Scheduled Tribes cannot be filled on the basis of the general standard, candidates belonging to these communities will, as at present, be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question.

2. Ministry of Finance etc. are requested to bring the above instructions to the notice of all appointing authorities under them including public sector undertakings and statutory, Semi-Government and autonomous bodies.

Sd/- E. S. PARTHASARTHY,

Deputy Secretary to the Government of India.

To

All Ministries/Departments of the Government of India etc. etc.

APPENDIX IV

No. 1.1|70 Est (SCT)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi-1, the 31st July, 1970|9th Sravana, 1892

OFFICE MEMORANDUM

SUBJECT:—*Procedure for selection of Scheduled Castes/Scheduled Tribes candidates against vacancies reserved for them—Issue of advertisements and holding of separate interview.*

The undersigned is directed to refer to this Ministry's O.M. No. 31|10|63-SCT (I) dated 27th March, 1963 and No. 1|6|67-Estt (C) dated 20th September, 1967 laying down *inter alia* the procedure for dereservation of reserved vacancies in the event of suitable candidates belonging to Scheduled Castes and Scheduled Tribes being not available even after applying the relaxed standard of suitability in their cases. When any such vacancies are dereserved and filled by general candidates, the reservations are carried forward to subsequent three recruitment years *vide* para 2 of this Ministry's O.M. No. 27|25|68-Estt (SCT) dated 25th March, 1970. As in some services|posts, Scheduled Castes|Scheduled Tribes candidates could not be selected for all the vacancies reserved for them, the question of taking further steps in order to accelerate the induction of Scheduled Castes and Scheduled Tribes in such vacancies has been considered by the Government and it has been decided to adopt the following measures in this connection:—

2. (a) *Advertisement of reserved vacancies (filled by direct recruitment otherwise than through examination) for Scheduled Castes|Scheduled Tribes candidates only*:

Where direct recruitment (otherwise than through examination) is to be made to a vacancy or vacancies reserved for Scheduled Castes or Scheduled Tribes only, (and not to any unreserved vacancy|vacancies as well), advertisement will be issued inviting

applications only from the candidates belonging to the Scheduled Castes, and/or the Scheduled Tribes, as the case may be, and not from general candidates. However if the reserved vacancy or vacancies referred to above include any such vacancies which have been carried forward to the third years of recruitment Scheduled Caste candidates can be considered for such of the vacancies as are reserved for Scheduled Tribes and *vice versa vide* para 3 of this Ministry's O.M. No. 27/25/68 Est(SCT) dated 25th March, 1970. Accordingly, in the advertisement issued for filling in those reserved vacancies which have been carried forward to the third year of recruitment, applications should be invited *both* from Scheduled Castes and Scheduled Tribes candidates, but it should be clarified in the advertisement that for a vacancy reserved for Scheduled Castes, Scheduled Tribes candidates would be considered only in the event of non-availability of suitable Scheduled Caste candidates and similarly, in respect of a vacancy or vacancies reserved for Scheduled Tribes, Scheduled Castes candidates would be considered only in the event of non-availability of suitable Scheduled Tribe candidates.

(b) *Readvertisement for filling reserved vacancies*

If, after following the procedure outlined in sub-para (a) above, the required number of Scheduled Caste or Scheduled Tribe candidates are not selected for the reserved vacancy or vacancies, the remaining reserved vacancy/vacancies will be readvertised but, on this occasion, general candidates would also be eligible to apply. The general candidates would, however, be considered only if no suitable Scheduled Caste or Scheduled Tribe candidates, as the case may be, are still available for appointment to the vacancies reserved for them. This may be clarified in the advertisement. In case any general candidate is thus appointed against a reserved vacancy after its dereservation the reservation should be carried forward according to the instructions in this regard.

(c) *Advetisement where recruitment is to be made both for reserved and unreserved vacancies*

If direct recruitment otherwise than through examination is to be made for reserved *as well as* unreserved vacancies on any one occasion, a single advertisement can be issued for such reserved and unreserved vacancies specifying clearly therein the vacancies reserved for Scheduled Castes and Scheduled Tribes. If the reserved vacancy or vacancies referred to above include any vacancy or vacancies referred to above include any vacancy/vacancies which

have been carried forward to the third year of recruitment, it should also be clarified in the advertisement that Scheduled Tribe candidates would be considered for vacancies reserved for Scheduled Castes in the event of non-availability of suitable Scheduled Caste candidates and *vice versa* on the lines indicated in sub-para (a) above. If any reserved vacancies remain unfilled for want of suitable Scheduled Castes|Scheduled Tribes candidates, they should not be filled by general candidates on this occasion but should be readvertised and filled on the lines indicated in sub-para (b) above.

(d) *Direct recruitment through examination*

Where direct recruitment is made through examination, for reserved as well as unreserved vacancies, a single advertisement would be issued for such examination but the number of vacancies reserved for Scheduled Castes and Scheduled Tribes would be specified clearly in it and in case the required number of Scheduled Castes or Scheduled Tribes candidates are not available even by applying relaxed standards for the vacancy|vacancies reserved for them, the remaining reserved vacancy|vacancies could be filled by general candidates after dereservation of such vacancy|vacancies. The vacancy|vacancies so dereserved will be carried forward according to the instructions in this regard.

(e) *Separate interview of Scheduled Castes and Scheduled Tribes candidates*

(i) When direct recruitment otherwise than through examination is to be made in accordance with the procedure in sub-paras (b) or (c) above, the interview of Scheduled Castes|Scheduled Tribes candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Castes and Scheduled Tribes candidates are not judged in comparison with general candidates and the interviewing authority|Board is|are prominently aware of the need for judging the Scheduled Castes|Scheduled Tribes candidates by relaxed standards.

(ii) In direct recruitment made through examination along with interview also, the interview of Scheduled Castes|Scheduled Tribes candidates should be held on a separate day or sitting on the lines indicated in sub-para (i) above.

(f) *Ad-hoc appointment of Scheduled Castes|Scheduled Tribes candidates*

If it becomes necessary to fill a reserved vacancy pending selection according to the procedure outlined in sub-paras (a), (b) and (c) above, the appointing authority may make ad-hoc appointment of suitable Scheduled Caste or Scheduled Tribe candidate, as the case may be, against such reserved vacancy. In the case of posts recruitment to which is made through the Union Public Service Commission, the ad-hoc appointment of Scheduled Castes|Scheduled Tribes candidates will be subject to Regulation 4(1) of the Union Public Service Commission (Exemption from Consultation) Regulations.

3. Ministry of Finance etc. are requested to bring the above instructions to the notice of all appointing authorities under them including public sector undertakings and statutory, semi-Government and autonomous bodies.

Sd|- T. R. PRASAD,

Under Secretary to the Government of India.

To

All Ministries|Departments of the Govt. of India, etc. etc.

All Union Territories;

Adviser to the Governor Assam;

Zonal Councils Secretariat;

All Attached and Subordinate Officers of the Ministry of Home Affairs;

Comptroller & Auditor General of India;

Union Public Service Commission (with 15 s|copies);

Commissioner for Scheduled Castes and Scheduled Tribes.

APPENDIX V

No. 27|25|68-Est(SCT)

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

New Delhi-1, the 25th March, 1970|4th Chaitra, 1892.

OFFICE MEMORANDUM

SUBJECT:—*Reservations for Scheduled Castes and Scheduled Tribes in services—Revision of percentages and period of carrying forward of such reservations—Utilisation of vacancies reserved for Scheduled Castes in favour of Scheduled Tribes and* vice-versa.

Revision of Percentages of Reservation for Scheduled Castes and Scheduled Tribes in Services.

The question of revising the percentages of reservation in favour of Scheduled Castes and Scheduled Tribes in posts and services under the Government of India in the light of the population of these communities as shown in the 1961 Census has been under the consideration of Government for some time. It has now been decided to revise these percentages as indicated in the Ministry of Home Affairs Resolution No. 27|25|68-Est(SCT) dated 25th March, 1970.

Period for Carrying Forward of Reservations

2. According to the instructions in this Ministry's O.M. No. 1|4|64-SCT(I) dated 2nd September, 1964, vacancies reserved for Scheduled Castes and Scheduled Tribes which are not filled by candidates of the appropriate communities due to non-availability of candidates of these communities are required to be carried forward to subsequent two recruitment years. It has now been decided by Government that the period for carrying forward of the reserved vacancies should be increased from two to three subsequent recruitment years. Accordingly, if a vacancy arising, say, in the year 1970 is reserved for Scheduled Castes|Scheduled Tribes and no suitable candidate of the appropriate community is forthcoming, the reservation would be carried forward to the next recruitment year and if during that year also no suitable candidate of the appropriate community is forthocming, the reservation would be similarly carried

forward to the next two recruitment years before it is treated as lapsed.

Exchange of vacancies between Scheduled Castes and Scheduled Tribes in the last year to which the Reserved vacancies are carried Forward

The question of utilisation of vacancies reserved for Scheduled Castes in favour of Scheduled Tribes and *vice versa* has also been considered by Government, and it has been decided, in modification of the orders contained in this Ministry's O.M. No. 1|7|62-SCT(I) dated 24th September, 1962 that while vacancies reserved for Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only, Scheduled Tribes candidates may also be considered for appointment against a vacancy reserved for Scheduled Castes candidates where such a vacancy could not be filled by a Scheduled Caste candidate even in the third year to which the vacancy is carried forward, while advertising or notifying a vacancy which has been carried forward to the third year, it should therefore be made clear in the advertisement|requisition that while the vacancy is reserved for Scheduled Castes, Scheduled Tribes candidates would also be eligible for consideration in the event of non-availability of suitable Scheduled Caste candidates. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes.

4. In view of the decisions in paras 2-3 above, all vacancies arising on or after the date of issue of this O.M. which are reserved for Scheduled Castes and Scheduled Tribes but are not filled by members of the respective community shall be carried forward to three subsequent recruitment years, instead of two recruitment years, as at present. Reserved vacancies which had arisen prior to the date of issue of this O.M. and which have already been carried forward for one year will now be carried forward to two more recruitment years and similarly reserved vacancies which have been carried forward for two years will be carried forward to the third recruitment year as well. In the third year of carry forward of reserved vacancies candidates from both Scheduled Castes and Scheduled Tribes will be considered against reserved vacancies in accordance with the provisions in para 3 above.

Ministry of Finance etc. are requested to bring the above decisions also to the notice of all authorities under them, including the public

sector undertakings and semi-Government bodies with which they are administratively concerned.

Sd|- T. B. PRASAD,
Under Secretary to the Government of India.

To:

All Ministries|Departments of the Govt. of India etc. etc.

All Union Territories|Zonal Councils;

All Attached and Subordinate Offices of the Ministry of Home Affairs.

Comptroller & Auditor General of India;

Union Public Service Commission;

Commissioner for Scheduled Castes and Scheduled Tribes.

APPENDIX VI

(*Vide* Introduction)

Analysis of the Action Taken by the Government on the Recommendations

I.	Total number of recommendations	43
II.	Recommendations that have been accepted by Government (vide recommendations at S. Nos. 4, 5, 6, 7, 10, 18, 19, 21, 22, 24, 26, 27, 28, 32, 33, 34, 36, 37, 39, 41 and 42)	
	Number	21
	Percentage to total	49
III.	Recommendations which the Committee do not desire to pursue in view of the Government's replies (vide recommendations at S. Nos. 14, 16, 23, 29, 30, 31 and 38)	
	Number	7
	Percentage to total	16·5
IV.	Recommendations in respect of which replies of Government have not been accepted by the Committee and which require reiteration (vide recommendations at S. Nos. 1, 2, 3, 8, 9, 11, 12, 13, 15, 17, 20, 35, 40 and 43)	
	Number	14
	Percentage to total	32·5
V.	Recommendation in respect of which final reply has not been received from Government (vide recommendation at S. No. 25)	
	Number	1
	Percentage to total	2

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